

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development:

Kentucky's Monitoring System

The Division of Exceptional Children Services, in an effort to monitor more effectively and to align with OSEP, has along with state stakeholders, revised Kentucky's monitoring system several times during the years 2000 to 2005. The following is to explain the process Kentucky has implemented in refining Kentucky's monitoring system. Kentucky's system of monitoring during the period covered by the APR (July 1, 2003 to June 30, 2004) was based upon an LEA self-assessment – the Kentucky Continuous Monitoring Process (KCMP) – that was developed in 2000 and refined in 2001. The first KCMP consisted of 23 indicators covering the OSEP key (cluster) areas of Early Childhood Transition, Parent Involvement, FAPE in the LRE and Secondary Transition. As part of the KCMP self-assessment process, each LEA in Kentucky was required to form stakeholder groups, which included parents, to review data and assess the extent to which the LEA was in compliance with individual KCMP indicators.

From 2000-2001 to 2003-2004, a scoring rubric developed by DECS was provided to the LEAs for each indicator. The rubric allowed the stakeholders to judge whether the LEA met the indicator standard based upon their review of the data. The rubric was based upon a 4-point scale, with a '1' indicating little or no compliance with the indicator. A score of '2' indicated that the LEA had made progress on the indicator but that additional efforts were needed. A score of '3' indicated the standard was met. A score of 4 denoted the LEA had achieved exemplary results.

As of the end of the APR period (June 30, 2004), three years of trend data from the Kentucky monitoring system were not available. However, during Fall 2004, data was compiled from the SY 2002-2003 KCMP submissions that were submitted to DECS in June 2004.

In Spring 2004, the KCMP was totally revised through a partnership with the Monitoring Work Group (a state stakeholder group) and DECS. The new 2004 KCMP self-assessment reflects hard data that DECS will send electronically to the LEAs for their review and response. Current KCMP reports are more easily verified than the self-assessments that were based on the rubric system. While the new KCMP has maintained the rubric scoring system, the rubric scores are solely for internal use by the LEAs in updating their Comprehensive District Improvement Plans (CDIPs).

In addition, the “old” KCMP cycle required LEAs to submit self-assessment data to DECS by June 30th of each year. The last LEA data (SY 2002-2003) submitted to DECS under the former KCMP was submitted on June 30, 2004. However, in order to implement the new KCMP system and allow LEAs to use their most recent data in completing their self-assessments, DECS implemented a new date for LEAs to submit their self-assessments. The new submission date is January 30th of each year. While the change in submission dates will require LEAs to submit two self-assessments within a 7 month period, the change will enable LEAs to report on their SY 2003-2004 data in January 2005, and to develop their improvement plans based on current LEA data, not two-year-old data as was previously the case. LEAs were required to submit the (new) KCMP self-assessment to DECS for SY 2003-2004 on January 30, 2005.

The 2003-2004 data will be the beginning of a new baseline based on OSEP’s 2004 APR indicators, which are key to achieving positive outcomes for students with disabilities. Unfortunately, since the KCMP indicators were revised, one effect of the 2004 KCMP revisions is that the SY 2003-2004 KCMP data will not be usable as trend data. Additionally, the new KCMP self-assessment scores submitted by the LEAs in January 2005 will be in a different format than in past years. With introduction of the SPP indicators during 2005, some data collected through the KCMP process will need to be revisited in order to ensure the indicators on the KCMP result in the collection of appropriate data.

In January 2005, the new established date for LEA submission of the KCMP, LEAs submitted their KCMP self-assessments to the Division of Exceptional Children Services. In June, DECS conducted KCMP desk audits on each of the LEA’s self-assessments. All indicators were reviewed and LEAs were asked to give further explanation on indicators where there was a specific question, a lack of data, or no discussion of improvement strategies for scores below the established standard of compliance/proficiency. LEAs also had to provide maintenance strategies on indicators where they scored a 3 or above. Once the desk audits were completed, DECS met as a large group to analyze the KCMP data to glean insight regionally as to strengths and to areas of growth for each KCMP indicator. Once the data was gathered, DECS also analyzed issues based upon special education cooperative regions in order to examine the effectiveness of individual special education cooperatives and to identify issues needing to be addressed by each coop. Data from this review has been incorporated into Kentucky’s State Performance Plan.

DECS will again review the KCMP indicators in order to reflect the changes OSEP has made to the 2005 indicators and state performance plan indicators to ensure Kentucky’s monitoring system aligns with OSEP.

In addition to the Monitoring Task Group’s work in reviewing and revising the KCMP, another purpose of this group was to develop a system of triggers to assist DECS in identifying LEAs in need of interventions, such as on-site

monitoring, technical assistance, the assignment of a Special Education Mentor or more drastic interventions as set forth in Kentucky law. In 2004, the Monitoring Work Group developed the following triggers:

- Meeting Adequate Yearly Progress (AYP)
- In-LEA gap between district-wide assessment scores (CATS) of students with and without disabilities
- Analysis of LEA's CATS scores versus state CATS scores in KDE core content
- Number of dropouts of students with disabilities
- Number of students with disabilities suspended over 10 days or placed in alternate education
- Results of KCMP desk audits
- LEA Complaints/ hearings/ mediations received by DECS
- Comparison of the gaps between students with and without disabilities in non-cognitive areas collected by the Office of Assessment and Accountability, i.e., attendance rates and successful transition rates to postsecondary outcomes.

Based upon the system of triggers developed by the work group, ten LEAs were identified during Summer 2004 for on-site verification visits of their KCMP and other requirements set forth in IDEA. Five of the ten LEAs identified for visits were the lowest performing LEAs based on the triggers (LEAs that had already been assigned Special Education Mentors were excluded from on-site visits). Two of the ten LEAs chosen for visits were rated as exemplary LEAs using the triggers. Two other LEAs requested visits and one LEA was chosen at random. On-site visits commenced in November 2004 and were completed by May of 2005. Follow-up continues with each of the LEAs reviewed in order to ensure the LEA is addressing issues identified during the onsite visits. When LEAs fully implement their improvement plans, DECS staff will close their Corrective Action Plan (CAP). All 176 LEAs are reviewed each year in relation to the triggers to ensure LEAs plus KSB, KSD, and the Richmond Model Laboratory School that had their CAPS closed, remain in compliance.

Monitoring visits for the FFY 2005-2006 have been established. Twelve LEAs will be monitored beginning in November and ending tentatively the first week of April. Only one additional trigger was added to the above list of triggers developed by DECS and the state monitoring work group. In order to ensure all LEAs that need assistance are identified, DECS also reviewed state CATS averages for math and reading in comparison to LEA averages for math and reading.

2005 State Performance Plan (SPP)

DECS staff, in collaboration with the State Advisory Panel, comprised of parents, Directors of Special Education, teachers, the Commission for Children with Special Health Care Needs, Institutions of Higher Education, representatives from the Kentucky Parent Resource Centers, a representative from the Parent Training Information Center, Special Education Coop Directors, a representative from the Department of Juvenile Justice and other KDE divisions, reviewed the requirement to write a State Performance Plan that encompasses the next six years. Each indicator was discussed and the state stakeholder group gave input on establishing rigorous and measurable targets for the next six years. The group then developed improvement activities, timelines, and resources for each of the established targets. A DECS SPP work group was formed to review the work of the state stakeholder group and finalize the SPP. The work group continued to meet weekly to discuss and revise the 2005 SPP. On November 18, 2005, the DECS work group met with Hugh Reid, the OSEP State Contact, to share Kentucky's draft version of the SPP. Hugh gave valuable insight to the group about each of the 20 indicators. The work group met to make revisions based on Hugh's comments.

The DECS SPP work group developed a plan for disseminating the 2005 SPP throughout Kentucky. The Division of Exceptional Children will compose a news report to be released by the Kentucky Department of Education's Media Correspondent. DECS will post the SPP on the Kentucky Department of Education's website. DECS will disseminate the 2005 SPP to various stakeholders, including but not limited to Kentucky- Special Parents Information Network (KY-SPIN), Protection and Advocacy, Children's Law Center, LDA, United Partners in Kentucky (which is a list serve of Kentucky Parent groups), the eleven Special Education Cooperatives, Council for Exceptional Children, KY DOSE list serve and KY CASE.

DECS Monitoring Responsibilities within KDE

In coordination with the DECS on-site visits, KDE through the Office of Special Instructional Services (OSIS), also provides Coordinated Technical Assistance to school LEAs when there are issues of concern in more than one federal and state program area. Each KDE federal and state program conducts a desk audit with its unique program indicators. Based upon problem areas revealed through the desk audit process, technical assistance to the LEA begins with on-site program monitoring of the LEA. DECS updated its program indicators for the Coordinated Technical Assistance review in March 2004, to reflect the revised OSEP APR cluster areas and the new KCMP indicators.

- KDE audits the financial records of local school LEAs. The scope of the audit includes verification that Federal IDEA funds are spent according to law.

- Scholastic Audits/Reviews are conducted by KDE for schools that fall below established accountability standards, or for schools who have requested a review. This process is based on the Standards and Indicators for School Improvement (SISI) document consisting of nine standards and eighty-eight indicators. The audit/review itself consists of an intensive weeklong school visit by a team of KDE staff and other stakeholders. This review results in a comprehensive report documenting the team's findings that is shared with the school along with specific recommendations on how the school should proceed. DECS staff are frequently included as members of these teams. While this process is not designed to strictly gauge compliance, specific special education concerns have been noted and reported back to DECS where appropriate measures were taken to ensure the school/LEA maintains compliance with Federal and state law and regulations.
- The Standards and Indicators for School Improvement also serve as the basis for annual LEA and school needs assessments across the state. The information gathered by these self-studies are incorporated into both the LEA/school level Comprehensive District/school Improvement Plans. DECS utilizes this process to verify that areas of non-compliance at the LEA/school level are addressed in these Improvement Plans. This process looks at all aspects of instruction for students with and without disabilities. Technical assistance is provided to LEAs, based on the outcome of the SISI reviews.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1

Monitoring Priority: FAPE in the LRE

Indicator1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

Measurement:

Comparison of 1) percent of youth with IEPs graduating from high school with a regular diploma to 2) percent of all youth graduating with a regular diploma, as defined by:

*Graduation rate formula:

$$\frac{2004 \text{ completers (standard diploma in 4 years + IEP specifying more than 4 years)}}{2004 \text{ completers (standard diplomas + certificates) + 2004 gr. 12 dropouts + 2003 gr. 11 dropouts + 2002 gr. 10 dropouts + 2001 gr. 9 dropouts}}$$

Overview of Issue/Description of System or Process:

The Kentucky Board of Education (KBE) has declared Refocusing Secondary Education a high priority for the state. The work of the Department and the schools in Kentucky will be to improve the experience for middle and high school students so that they will be well prepared to transition into their postsecondary experiences.

In August 2004, the KBE adopted a “Conceptual Framework for Refocusing Secondary Education” to articulate the agenda for secondary reform in Kentucky. The Kentucky Department of Education introduced this Framework to identify the Why, What, and How of securing better outcomes for all Kentucky students. The Framework functions as a reminder that all aspects of work impacting middle and high schools, as well as the alignment between high school and postsecondary experiences, should be focused on:

- Zero Dropouts – supporting every student to persist to graduation with a plan for transitioning to the next level of learning;

- A Learning Guarantee – readying every student to leave high school prepared to participate in the next level of learning without need for remediation; and,
- A Plan for Life – providing every student with the opportunity to perform at high levels in a chosen field.

Since the Framework was adopted, there has been extensive discussion about how to improve the middle and high school experience among students, practitioners and stakeholders within Kentucky. The Commissioner of Education's Superintendents Network studied the issue of high schools during the last year. The KDE has established a network of middle and high schools, the Secondary Alliance, and has linked the Kentucky network to a national network for middle and high school reform. Also involved in the discussion are Kentucky's Prichard Committee and the Kentucky Business Forum.

Two initiatives have emerged at the national level in which Kentucky is engaged – The Student Voice and the Kentucky Secondary Alliance. In November 2004, Kentucky sent representatives, including students, to the National Summit on Improving America's High Schools sponsored by the United States Department of Education. Kentucky also sent representatives to the National Summit on Improving Results for Youth sponsored by the (OSEP) National Center on Secondary Education and Transition both in 2003 and 2005.

As Kentucky moves toward the Refocusing of Secondary Education initiative, the KDE's Division of Exceptional Children Services (DECS) must continue to be aware of activities and become integrated into the planning and implementation to ensure the needs of students with disabilities are considered and accommodated.

Also, at the direction of the KBE, the KDE has clarified and refined the Core Content for Assessment and has developed a timeframe and implementation plan for the Refocusing Secondary Education Schools' work. As a result of this work, the work of the P-16 Council and review of various national reports (e.g., American Diploma Project, National Governors Association), the KBE is considering promulgating regulations to amend the current minimum requirements for high school graduation, including strengthening the requirement for individual graduation planning for all students.

Other actions under consideration of the KBE include:

- Finalizing recommendations, promulgation of Administrative Regulation for changing graduation requirements begins;
- Continuing implementation of secondary agenda in Kentucky Secondary Alliance school LEAs;
- Continuing the Student Voice project, initiating year-long involvement of students in the Refocusing Secondary work

- Strengthening the individual graduation planning process by awarding contract for web-enabled plan and beginning promulgation of Administrative Regulation to introduce high levels of student and school accountability for individual graduation plans as a high school graduation requirement.
- Considering opt-out clause as a provision of the minimum high school graduation requirements.

Kentucky's Current Diploma Program

Kentucky schools are to provide students with disabilities the opportunity and necessary instructional supports and accommodations to progress through a course of study leading to a diploma. Students with disabilities who earn the required high school credits through successful completion of content area and elective course work as described in the Program of Studies shall be awarded a diploma. The conditions that youth with IEPs must meet in order to graduate with a regular diploma are no different from the conditions of youth without disabilities.

Students with disabilities may pursue a course of study leading to a diploma in one or a combination of the following ways:

- completion of at least 22 credits as described in the Program of Studies; or
- completion of 22 credits based on submission by a local board of education of an integrated, interdisciplinary or higher level course which substitutes for a required course if the alternative course provides rigorous content and addresses the same academic expectations; or
- completion of at least 22 credits based on submission by a local board of education of a substitute functional, integrated, applied interdisciplinary or higher level course which substitutes for a required course if the alternative course provides rigorous content and addresses the same academic expectations.

(Program of Studies for Kentucky Schools, Kentucky Department of Education, 2003, p. 15)

The Kentucky State Improvement Grant (SIGNAL – State Improvement Grant, Nurturing All Learners) began August 1, 2004. The Kentucky Transition Collaborative, housed at the Interdisciplinary Human Development Institute at the University of Kentucky, is responsible for coordinating and implementing much of the secondary transition component of the SIGNAL. Secondary transition is a major component of the grant, and includes four transition related objectives

SIGNAL Objective 1: To create state-level systems change, through improved capacity of state-level transition personnel

Even though Kentucky has had a State Interagency Transition Council in place since 1989, there is a need for regionalization of transition knowledge, information, and support. The concept is to have 11 regional interagency teams that meet on a regular basis, communicating with the already-existing State Interagency Transition Council. Likewise, the State Interagency Council will communicate with the regional teams as well as with the Department of Education's State Advisory Panel and the Department of Vocational Rehabilitation's Consumer Advisory Panel. Leadership of the 11 regional interagency transition teams will be provided through the Regional Special Education Cooperative Transition Facilitators. This workgroup will be known as the State Transition Core Team, which will keep abreast of issues, concerns and trends as identified by regional teams, and to provide support and guidance to the KDE. *See charts at end of indicator section.*

SIGNAL Objective 2: To improve the capacity of staff at postsecondary settings to support students with disabilities

The focus of this objective is two-fold. First, we intend to increase pre-service training opportunities regarding secondary transition. Secondly, we expect to increase the number of students who transition from high school to post-secondary education. Collaborating with the Kentucky Community and Technical Colleges System (KCTCS) and Kentucky's Institutes of Higher Education to develop a pre-service, secondary transition training modules will provide readily available access to this information for college faculty. Facilitating the transition of students to post-secondary settings will be accomplished through on-going communication with the state's Disability Services Coordinators (DSCs) located at local colleges and universities. This will include development of a "Going to College" handbook.

SIGNAL Objective 3: To increase the knowledge of education and related personnel, through the dissemination of transition resources

The intent of objective three is to obtain and disseminate information about existing post-school resources to students, parents, and teachers. The activities outlined will focus on making sure people know about the post-school services for which they may be eligible and how to access those services. In conjunction with this objective, two videos will be produced and disseminated through Kentucky Educational Television (KET). One video will be *Your Child with Special Needs: Public School Resources*, and the second video will be *Your Child with Special Needs: From High School to Community*.

SIGNAL Objective 4: To improve the skills and capacity of teachers through multiple professional development opportunities

On-line training modules specific to teachers/administrators, students, and parents will be developed in collaboration with the Special Education Cooperative Transition Team. The modules will be developed so that they can be “taken” on-line and/or be downloaded for face-to-face trainings. On-line modules will include quizzes and will automatically build a parent, teacher, or student’s “transition portfolio” as training is completed. Directors of Special Education will be able to use the modules for professional development. The primary vehicle for delivery of this professional development will be through enhancement of the existing Interdisciplinary Human Development Institute (IHDI) Secondary Transition web page into a centralized, on-line “Transition One-Stop.”

The State Improvement Grant (SIG) funds the Kentucky Transition Collaborative, an interagency collaborative effort between 21 different state agencies. Fiscal support for the Collaborative comes from the Kentucky Department of Education, Division of Exceptional Children. The mission of the Kentucky Transition Collaborative is to assist students with disabilities and their families in making a successful transition from school to adult life. To accomplish this goal, there must be an increase in the number of students:

- Receiving transition services
- Participating in the transition planning process
- Completing vocational education programs
- Entering community colleges and universities
- Attaining paid employment upon exiting school
- Maintaining their employment status
- Participating in and completing school-to-work programs

Baseline Data for FFY 2004 (2004-2005):

<i>2004 completers (standard diploma in 4 years + IEP specifying more than 4 years)</i> <i>2004 completers (standard diplomas + certificates) + 2004 gr. 12 dropouts + 2003 gr. 11 dropouts + 2002 gr. 10 dropouts + 2001 gr. 9 dropouts</i>

$$\frac{(36274 + 261)}{(36274 + 357 + 895) + 1340 + 1620 + 2028 + 2167}$$

$$\frac{36535}{44942} = 81.29\% \text{ Graduation Rate for All Youth}$$

$$\frac{2712}{2712 + 304 + 16 + 271 + 1058 + 353}$$

$$\frac{2712}{4714} = 57.53\% \text{ Graduation Rate for Students with Disabilities}$$

Data collected through KDE's Office of Assessment and Accountability shows Kentucky's graduation rate for all students is 81.29% using the formula stated above. Using a replicated formula representing the state's 618 data, the graduation rate for students with disabilities is 57.53%. In computing this rate, 2712 students were successful completers. Total completers included: 304 (received certificates), 16 (aged-out), 271 (moved and were not known to continue in school), 1,058 (dropped out), 353 (other exiters).

Discussion of Baseline Data:

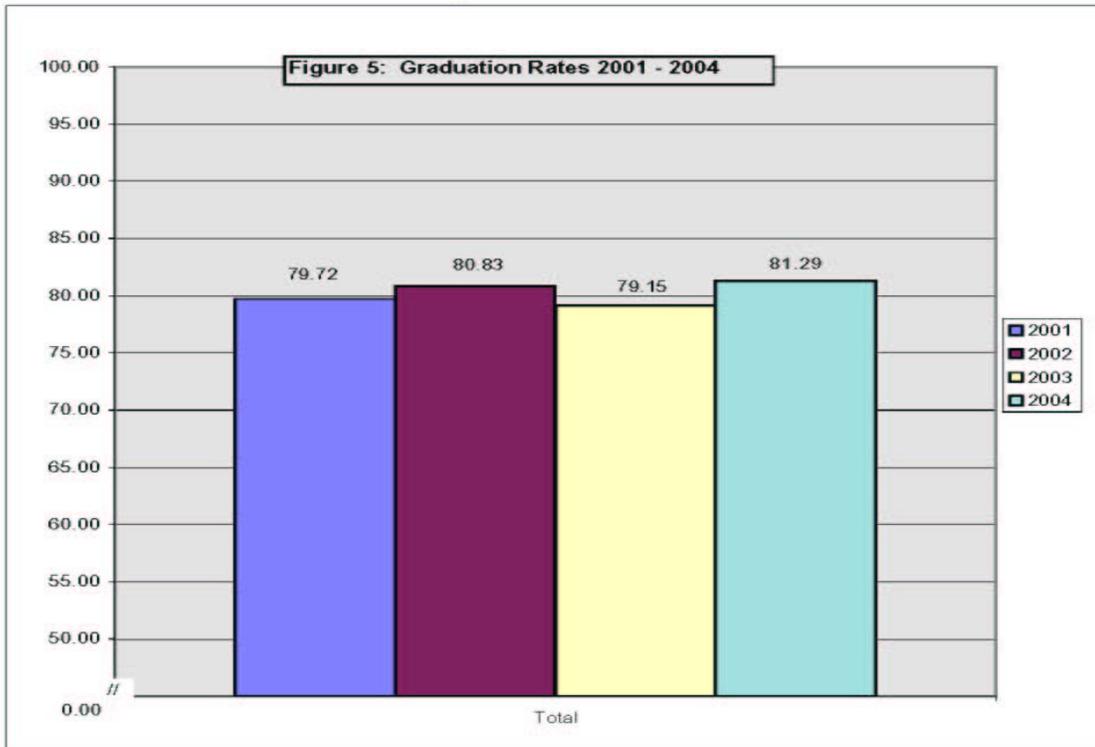
The two data sets listed above are not entirely comparable, but they provide a reasonable measure of successful completion. KDE is planning for its assessment and accountability system to be enabled to disaggregate data by disability in the near future. Trend data for the KDE tracking of graduation rate is reflected on the graph on the following page.

The Kentucky Board of Education has set a goal of 100% graduation rate by 2014. In Kentucky, 1% of students with disabilities participate in the alternate assessment program and receive certificates of completion, which reduces the rate of students with disabilities receiving diplomas to 99%. In order to reach the 100% (99% for students with disabilities) goal by 2014, the graduation rate of students with disabilities must increase at a rate of 4.6% per year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	62.1% of students with disabilities will graduate with a regular diploma
2006 (2006-2007)	66.7% of students with disabilities will graduate with a regular diploma
2007 (2007-2008)	71.3% of students with disabilities will graduate with a regular diploma
2008 (2008-2009)	75.9% of students with disabilities will graduate with a regular diploma
2009 (2009-2010)	80.5% of students with disabilities will graduate with a regular diploma
2010 (2010-2011)	85.1% of students with disabilities will graduate with a regular diploma

Figure 5: Graduation Rates 2001-2004

	2001	2002	2003	2004
Total	79.72	80.83	79.15	81.29



Note: 2001 was the first year graduation rate was available.

Improvement Activities/Timelines/Resources:

<p>KDE (including DECS staff) collaborates with selected schools serving students in alternate placements to implement new assessments, student planning and online resources as ways to increase the quality of instruction and boost student achievement.</p>	<p>December 2005 -- May 2006</p>	<p>Kentucky Educational Collaborative for State Agency Children</p>
<p>DECS will schedule annual data analysis reviews of the KCMP.</p>	<p>February 2006</p>	
<p>DECS will develop additional data collection tools to determine program effectiveness and facilitate targeted activities for improvement.</p>	<p>December 2005 – February 2008</p>	<p>KCMP Monitoring Work group NCSEAM Mid-South RRC</p>
<p>KDE will continue to fund position of State Transition Coordinator through the Division of Exceptional Children Services.</p>	<p>December 2005 and on-going</p>	<p>Kentucky Special Education Cooperative Network</p>
<p>KDE will continue to fund position of Transition Consultant in each of the eleven Special Education Cooperatives. State transition initiatives drive the work of the Transition consultants as liaisons between KDE and the local school LEAs, provide professional development, and provide technical assistance to their schools and LEAs, including Individual Graduation Planning, Inter-agency Agreements, IEP Transition requirements.</p>	<p>December 2005 and on-going</p>	<p>Kentucky Special Education Cooperative Network</p>
<p>Each KDE initiative that affect students with disabilities shall include a minimum of one DECS staff person to serve as a member of the team to increase communication and collaboration both intra- and inter-departmentally within KDE.</p>	<p>December 2005 and on-going</p>	<p>All divisions within KDE</p>

<p>The Kentucky Transition Collaborative work will continue as part of the SIG by:</p> <ul style="list-style-type: none"> • Providing training and technical assistance to schools and adult services agencies • Establishing and supporting regional demonstration projects to improve transition services on a local level • Establishing and facilitating continuation of community, regional and state level transition teams • Developing and maintaining a statewide transition database • Developing and disseminating information and materials on transition and transition planning. 	<p>2006-2007</p>	<p>Special Education Cooperative Transition Consultants</p> <p>Interdisciplinary Human Development Institute at University of Kentucky</p>
<p>DECS and interagency partners will continue work on development of a 'transition one-stop' website for all transition points birth through adult.</p>	<p>December 2005 and on-going</p>	<p>Kentucky Early Childhood Project</p> <p>Kentucky Commission for Children with Special Health Care Needs</p> <p>Kentucky Transition Collaborative</p> <p>Special Education Cooperative Transition Consultants</p>
<p>DECS and Special Education Cooperative Transition consultants will establish a pilot project on student-led IEPs in each Special Education Cooperative region.</p>	<p>December 2005 – May 2007</p>	<p>Kentucky Transition Collaborative</p> <p>Special Education Cooperative Transition Consultants</p> <p>IHDI</p>

SPP Template – Part B (3)

Kentucky

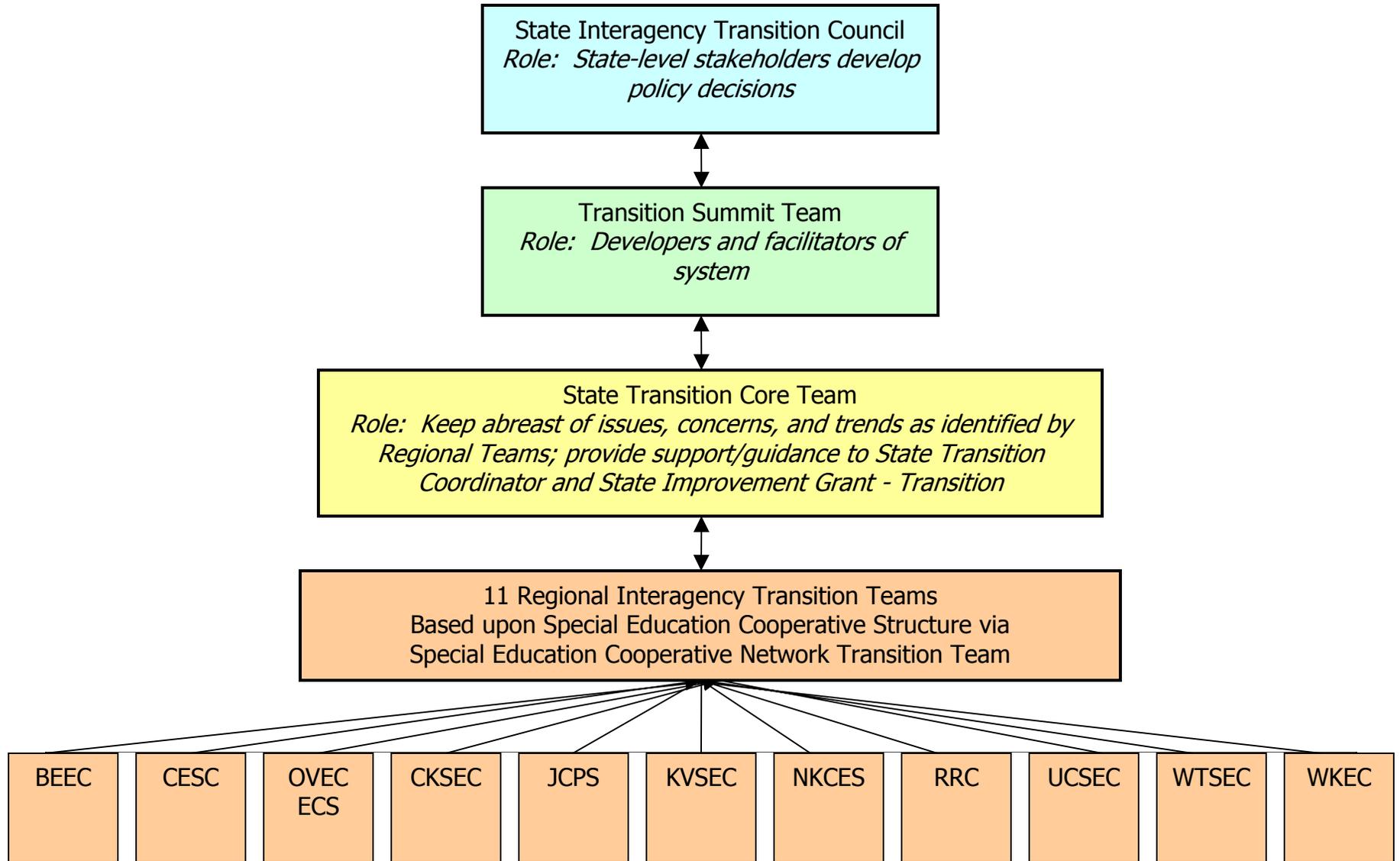
<p>DECS will examine Kentucky’s transition-related activities and align them with the National Standards and Indicators for Secondary Education and Transition for program effectiveness. DECS will disseminate Standards after completion to interagency partners, Special Education Cooperative Transition consultants, Directors of Special Education, KDE staff, IHEs</p>	<p>December 2005 – February 2007</p>	<p>National Center for Secondary Education and Transition National Standards and Indicators for Secondary Education and Transition</p>
<p>DECS will continue its partnership with the National Center for Secondary Education and Transition and the National Post-School Outcomes Center through:</p> <ul style="list-style-type: none"> • Conference calls • Email communication • National Conference attendance 	<p>December 2005 – February 2007</p>	<p>National Center for Secondary Education and Transition National Post-School Outcomes Center</p>
<p>DECS staff will compare the data from the parental survey described under Indicator 8 (Parent Involvement) and the data from Indicator 14 (post-school outcome survey) to determine correlations between parent involvement and successful student outcomes in graduation. Based on data, DECS will develop interventions and strategies to increase high school graduation.</p>	<p>February 2008 - February 2009</p>	<p>Parental Survey Data Post-school Survey Data</p>
<p>Special Education Cooperative Transition consultants in partnership with DECS will develop parent training modules that will used by the Parent Resource Centers, the Kentucky Special Parent Involvement Network (KY-SPIN) or both.</p>	<p>December 2005 – February 2007</p>	<p>Special Education Cooperative Transition Consultants Parent Resource Centers KY-SPIN</p>

SPP Template – Part B (3)

Kentucky

<p>DECS will continue email distribution (Transition In-Box) of research-based and effective strategies for transition to LEAs.</p>	<p>Ongoing</p>	<p>Parent Advocacy Coalition for Education Rights</p> <p>National Center on Secondary Education and Transition</p> <p>National Collaborative on Workforce and Disability for Youth</p>
<p>Special Education Cooperatives will establish an electronic network for sharing and dissemination of research-based and effective practices as well as professional development strategies and activities across Kentucky’s Special Education Cooperative Network.</p>	<p>December 2005 – February 2007</p>	<p>Kentucky Special Education Cooperative Network</p> <p>Kentucky Virtual High School (www.kvhs.org)</p>

SPP Template – Part B (3)



Special Education Cooperatives Map



Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: FAPE in the LRE

Indicator 2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

Measurement:

Comparison of 1) percent of youth with IEPs dropping out of high school 2) percent of all youth dropping out of high school as defined by:

$$\frac{\text{total \# of dropouts}}{\text{total membership}} = \text{dropout rate for all youth}$$

$$\frac{\text{total \# of dropouts (students with disabilities)}}{\text{total membership of students with disabilities}} = \text{dropout rate for students with disabilities}$$

Overview of Issue/Description of System or Process:

According to the Kentucky Department of Education's "2005-2006 Nonacademic Data Report Guidelines (FFY 2004-2005 Data) September 2005," dropout data is reported for each grade, 7 through 12, by gender and race for students with and without disabilities.

According to the National Center for Educational Statistics definition adopted by the Kentucky Board of Education, a dropout is an individual who:

- was enrolled in school at some time during the previous year (2004-2005);
- was not enrolled at the beginning of the current (FFY 2005-2006);
- has not graduated from high school or completed a state or LEA approved educational program; and

- does not meet any of the following exclusionary conditions: (a) transferred to another public school LEA, private school, or state or LEA approved education program; (b) temporarily absent due to suspension; or (c) died (or deceased).

KDE has created and implemented a Dropout Prevention Resource Guide that is web-based. The purpose of this guide is to serve as a comprehensive source of effective dropout prevention strategies for educators, parents, and others interested in helping youth in at-risk situations stay in school. The site includes a site index, which includes a list of all research articles. These articles present common scenarios and cite particular strategies and resources in context. There are several ways to search this site. The Student Needs Form is a checklist of indicators, which have been associated with students at risk of dropping out of the education system. Educators and parents can use this form to find strategies and resources targeted to a particular student's needs. One may also want to try searching the articles using the Key Word Search page.

Kentucky has created a Secondary GED program system. The regulation governing the Secondary GED Program became final in February 2005.

KBE is currently considering interventions to be required and/or recommended in schools that have shown the least progress in raising performance and closing achievement gaps between the subpopulations and the general education population, including students with disabilities. Interventions being considered are focused around the major topics of: school culture, leadership, articulated curriculum, effective instruction, and data-driven decisions and progress monitoring. Interventions related to dropout prevention that are being considered as required and/or recommended are:

- Require culture/climate assessments as part of the audit process in these schools and their LEAs with a follow-up plan for implementation and evaluation of impact on student learning. Each school is to form a team to receive on-going and intensive professional development on the concepts of instructional discipline, school organizational culture/climate and strategies that promote and sustain healthy culture/climate.
- Amend regulations to require these schools to develop teacher assistance teams (TAT) to assist students who are struggling academically, socially and/or emotionally. The teams will receive professional development to ensure internalization of a process that is positive, proactive, and designed to meet the needs of all students.
- Recommend that at these schools every student should be assigned an adult mentor.
- Amend regulations to require the “School Report Card” for all schools to be revised to bring more prominence to the scores of subpopulations of students.

- Require staff in these schools to implement a well-defined, transparent, continuous formative assessment process to evaluate and analyze student performance so that teachers will know where the student is performing at the beginning of each year and can track the student and teacher progress throughout the school year. This type of information will be collected over time to monitor student progress and will be used to develop Individual Graduation Plans for students.

Baseline Data for FFY 2004 (2004-2005):

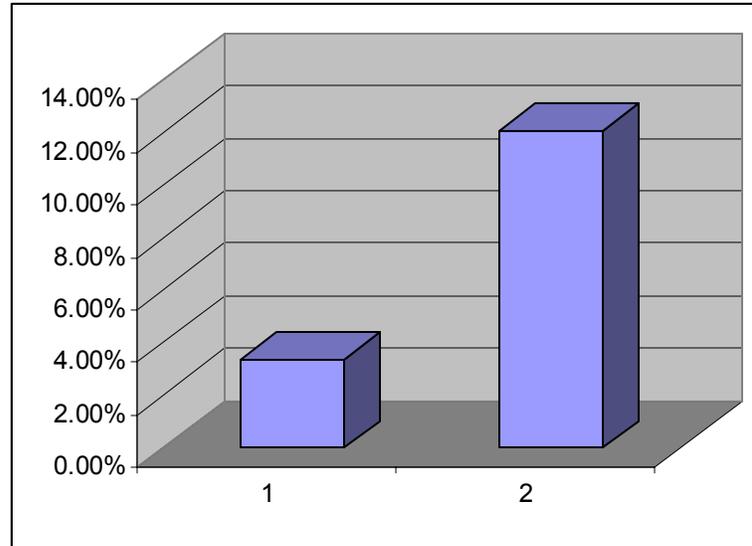
1.
$$\frac{\text{total \# of dropouts}}{\text{total membership}} = \text{dropout rate for all youth}$$

$$\frac{6160}{284928} = 2.20\% \text{ dropout rate for all youth}$$

$$\frac{\text{total \# of dropouts (students with disabilities)}}{\text{total membership of students with disabilities}} = \text{dropout rate for SWD}$$

2.
$$\frac{1682}{13947} = 12.06\% \text{ dropout rate for students with disabilities}$$

Data collected through KDE's Office of Assessment and Accountability shows Kentucky's dropout rate for all students is 2.20%. Using a replicated formula using the state's 618 data, the dropout rate for students with disabilities is 12.06%. This figure was based on dividing the sum of dropout (1058), moved not known to continue (353) and other (271) by the total of all students with disabilities reported as 16 years of age or over.



Discussion of Baseline Data:

These two data sets are not entirely comparable, but they do provide a reasonable measure for comparison. KDE is planning for its assessment and accountability system to be enabled to disaggregate data by disability in the near future. Current non-disaggregated data for dropout rates in Kentucky are reflected on the graph on the following page.

Decreasing the dropout rate by 1% per year will result in reaching a comparable rate with non-disabled students by 2014 as required by the Kentucky Board of Education.

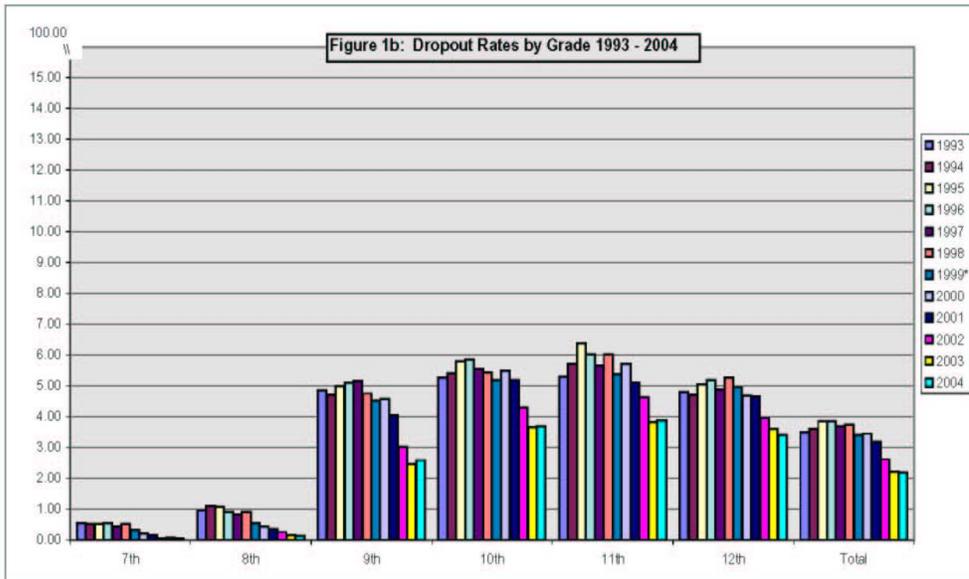
FFY	Measurable and Rigorous Target
2005 (2005-2006)	The dropout rate for students with disabilities will decrease by 1%.
2006 (2006-2007)	The dropout rate for students with disabilities will decrease by 1%.
2007 (2007-2008)	The dropout rate for students with disabilities will decrease by 1%.
2008 (2008-2009)	The dropout rate for students with disabilities will decrease by 1%.

<p>2009 (2009-2010)</p>	<p>The dropout rate for students with disabilities will decrease by 1%.</p>
<p>2010 (2010-2011)</p>	<p>The dropout rate for students with disabilities will decrease by 1%.</p>

5/26/05

Figure 1b Dropout Rates by Grade 1993 - 2004

	1993	1994	1995	1996	1997	1998	1999*	2000	2001	2002	2003	2004
7th	0.54	0.53	0.51	0.56	0.44	0.53	0.32	0.21	0.15	0.06	0.08	0.06
8th	0.97	1.11	1.08	0.92	0.82	0.92	0.58	0.44	0.35	0.26	0.16	0.14
9th	4.85	4.71	4.99	5.10	5.16	4.76	4.53	4.57	4.04	3.03	2.48	2.59
10th	5.28	5.42	5.79	5.85	5.54	5.44	5.19	5.49	5.20	4.31	3.67	3.70
11th	5.31	5.72	6.38	6.03	5.65	6.03	5.39	5.72	5.12	4.63	3.83	3.89
12th	4.81	4.71	5.06	5.20	4.88	5.28	4.95	4.69	4.66	3.98	3.61	3.42
Total	3.50	3.60	3.88	3.85	3.70	3.75	3.42	3.45	3.18	2.62	2.21	2.19



*Prior to 1999-99, if a student failed to return to school by October 1st, that student was considered a dropout for the past year and the grade which they had completed. Beginning in 1999-99, a student who failed to return to school by October 1st was considered a dropout for the grade and year for which they failed to return. Also beginning in 1999-99, dropout membership was adjusted to equal fall membership. These adjustments were required to be consistent with the National Center for Education Statistics' (NCES) dropout definition.

Improvement Activities/Timelines/Resources:

Improvement	Timelines	Resources
DECS will publicize the use of Kentucky Virtual High School (on-line courses for high school credit) by <u>all</u> students.	December 05-06	Kentucky Virtual High School (www.kvhs.org)
DECS will contact KVHS regarding expanding course offerings in order to promote access and use by students with a career and technical focus.		Kentucky Virtual High School (www.kvhs.org)
DECS will partner with the University of Kentucky and Special Education Cooperatives to form a collaborative relationship with the Commonwealth Center for Instructional Technology and Learning (CCITL) to disseminate evidence-based and effective strategies for instruction to LEAs.	December 2005 – February 2007	Kentucky Special Education Cooperative Network Commonwealth Center for Instructional Technology and Learning (www.ccitl.uky.edu)
DECS will update the Kentucky Dropout Prevention Resource Guide (a web-based research guide).	Ongoing	Kentucky Dropout Prevention Resource Guide (http://www.IHDI.uky.edu/dropout-prevention/)
DECS will disseminate research-based strategies through the National Dropout Prevention Center.	December 2005 – June 2007	National Dropout Prevention Center
DECS will develop a marketing strategy for the use of dropout prevention resources and strategies by LEAs with embedded follow-up on a regional basis.	June 2006 - June 2007	Special Education Cooperative Transition Consultants
Transition consultants will develop and disseminate a training module on self-advocacy and self-determination to LEAs.	December 2005 – February 2007	Special Education Cooperatives Transition Consultants

SPP Template – Part B (3)

Kentucky

<p>DECS will schedule annual data analysis reviews to determine underlying causes for higher dropout rates for students with disabilities when compared to the general population.</p>	<p>February 2006</p>	
<p>DECS will develop additional data collection tools to determine program effectiveness and facilitate targeted activities for improvement.</p>	<p>February 2006 – February 2007</p>	<p>KCMP Monitoring Work group</p>
<p>DECS will review and enhance the Community Based Work Transition Program (CBWTP) to increase program effectiveness and LEA participation.</p>	<p>December 2005 – February 2007</p>	<p>Office of Vocational Rehabilitation IHDI</p>

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority Indicator #3: Assessment

Indicator 3: Participation and performance of children with disabilities on statewide assessment:

- A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate of children with IEPs in a regular assessment with no accommodation; alternative assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level stands and alternative achievement standards.

Measurement:

- A. Percentage=# districts meeting the State's AYP objectives for progress for disabilities subgroups (Children with IEPs) divided by total=176 of districts in the State time 100 =%
- B. Participation rate=
 - a. # of children with IEPs in grade assessed;
 - b. # of children with IEPs in regular assessment with accommodations (percent = b divided by a times 100)
 - c. # of children with IEPs in regular assessment with accommodations (percent=c divided by a times 100)
 - d. # of children with IEPs in alternate achievement against grade level standards (percent = d divided by a times 100)
 - e. # of children with IEPs in alternate achievement against grade level standards (percent = e divided by a times 100)

Account for any children included in a but not included in b, c, d, or e above.
- C. Proficiency rate =
 - a. # of children with IEPs in grades assessed;
 - b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
 - c. # of children with IEPs in grades assessed who are proficient or above as

measured by the regular assessment with accommodations (percent = c divided by a times 100);

- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = $b + c + d + e$ divided by a.

Overview of Issue/Description of System or Process:

Since the Kentucky Education Reform Act (KERA) of 1990, all children in Kentucky are included in the Commonwealth Assessment Testing System (CATS). Kentucky does not have alternate standards for assessments. Currently less than 1% of the entire student population receives medical exemptions from participating in the Kentucky Core Content Test. Since KERA, the vision of the Kentucky Education System has been “all children can learn at high levels”. Every child in the Commonwealth of Kentucky is assessed according to grade level standards. By Kentucky regulation, all children in the Commonwealth have access to the Program of Studies and Core Content.

NCLB mandates that students in grades 3 through 8 be tested annually in reading and mathematics beginning in 2005-2006. Currently, with the Kentucky Core Content Test (KCCT), the state tests reading in grades 4, 7, and 10 and in mathematics at grades 5, 8, and 11. In order to meet the annual federal NCLB requirements for testing, Kentucky will be administering the CTBS, a Norm-referenced Test (NRT), and will augment the CTBS (NRT) with items that appropriately address grade-specific Core Content in Reading (grades 3, 5, 6, and 8) and Mathematics (grades 3, 4, 6, and 7). The augmented components will be directly tied to Kentucky's standards for reading and mathematics. Kentucky will continue to have a single testing system (Commonwealth Accountability Testing System), with the above mentioned augmentation of the Core Content for grades 3, 5, 6, and 8 in reading and grades 3, 4, 6, and 7 mathematics in order to comply with current state accountability requirements and supply the data for new federal accountability requirements known as No Child Left Behind (NCLB). In addition, No Child Left Behind requires an assessment of science once during each school level (elementary, middle, and high) by 2008. Kentucky is already in compliance with the science requirement.

In partnership with KDE, teams of Kentucky teachers completed the Core Content alignment process during the 2004 school year. The aligned Core Content document reflecting the vertical alignment will be the source document that guides the development of the augmented test items

Baseline Data for (2004-2005):

- A. 76 of 176 school districts (43.2%) met 100% of their AYP goals.
141 of 176 school districts (80.1%) met 80% or more of their AYP goals.

B. Participation rate for 2005 =

- a) 56,992 of children with IEPs in grade assessed
- b) 38,185 of children with IEPs in regular assessment with accommodations (percent = b divided by a times 100) 67%
- c) 18,237 of children with IEPs in regular assessment with accommodations (percent=c divided by a times 100) 32%
- d) 570 of children with IEPs in alternate achievement against grade level standards (percent = d divided by a times 100) =1%
- e) 0 of children with IEPs in alternate achievement against grade level standards (percent = e divided by a times 100) =0%

Account for any children included in a, but not included in b, c, d, or e above:
There were a total of 186 children during the 2005 testing window that were exempted for medical reasons, which includes children with disabilities.

C. Proficiency rate for 2005 =

- a. 56,992 of children with IEPs in grades assessed with 38% proficient or above.
- b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = b + c + d + e divided by a.

Discussion of Baseline Data:

- A. 43.2% of Kentucky's school districts met AYP for all NCLB goals. Since a district's AYP is calculated on the basis of all schools within a district meeting all AYP goals, one school that does not meet AYP could prevent a district as a whole from meeting its AYP goals for an entire year.

In taking a closer look at Kentucky's NCLB data, it reveals that 141 of Kentucky's 176 school districts (80.1%) met 80% or more of their AYP goals and 31 of these districts met at least 90% or more of their goals. Therefore, although Kentucky is currently below 50% in its districts meeting AYP goals, a large majority of the districts are very close to achieving 100%.

- B. The Commonwealth Accountability Testing System (CATS) is designed to improve teaching and student learning in Kentucky. CATS includes the Kentucky Core Content Test, a nationally norm-referenced test, the CTBS/5 Survey Edition, writing portfolios and prompts and the alternate portfolio for students with Functional Mental disabilities. The Kentucky State Student Data Tool allows DECS, LEAs and schools to review and sort data in order to make informed decisions about sub groups. The percentage of students with disabilities was reported on the Kentucky Performance Report. NCLB asks for data about performance of students with disabilities and students with 504 plans combined. However, OSEP asks for only students with disabilities. DECS sorted students who have IEPs from 504 students in order to analyze the data. Using the two reports, DECS determined the percentages in section B. All children are assessed according to grade level standards. Annually, all teachers participate in the Inclusion of Special Populations Training for the Kentucky Core Content Test. Districts are required to provide verification that teachers have received assessment training and each teacher signs a code of conduct ensuring they will adhere to the ethics practices outlined in the assessment training.
- C. The Proficiency rate was determined by the summary report for children with IEPs as provided by the Student Data Tool. The summaries are for reading, math, and alternative portfolios for 2005. The average is what is reported. Our data system does not sort the children with accommodations from those without accommodations. The DECS is organizing services and supports to schools to become more prescriptive in the areas of teaching and learning with the goal in mind to reduce the achievement gaps between students with disabilities and the general population. An initial meeting is scheduled December 5, 2005 with Jane Nell Luster from the National Center for Special Education Accountability Monitoring (NCSEAM) with a follow-up meeting with other NCSEAM staff in January to help accomplish this task. The KDE has set a goal of 100% proficiency for all students by the year 2014. In order for children with disabilities to reach this goal they have improve at the rate below.

3A.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	53 LEAs meeting the State’s AYP objectives for progress for disabilities subgroups (Children with IEPs) divided by total=176 of LEAs in the State. 31%
2006 (2006-2007)	79 LEAs meeting the State’s AYP objectives for progress for disabilities subgroups (Children with IEPs) divided by total=176 of LEAs in the State. 45%
2007 (2007-2008)	103 LEAs meeting the State’s AYP objectives for progress for disabilities subgroups (Children with IEPs) divided by total=176 of LEAs in the State. 50%
2008 (2008-2009)	128 LEAs meeting the State’s AYP objectives for progress for disabilities subgroups (Children with IEPs) divided by total=176 of LEAs in the State.73%
2009 (2009-2010)	153 LEAs meeting the State’s AYP objectives for progress for disabilities subgroups (Children with IEPs) divided by total=176 of LEAs in the State. 87%
2010 (2010-2011)	176 LEAs meeting the State’s AYP objectives for progress for disabilities subgroups (Children with IEPs) divided by total=176 of LEAs in the State. 100%

3B.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of students with disabilities will continue to participate in the state’s large-scale assessment.
2006 (2006-2007)	100% of students with disabilities will continue to participate in the state’s large-scale assessment.

2007 (2007-2008)	100% of students with disabilities will continue to participate in the state’s large-scale assessment.
2008 (2008-2009)	100% of students with disabilities will continue to participate in the state’s large-scale assessment.
2009 (2009-2010)	100% of students with disabilities will continue to participate in the state’s large-scale assessment.
2010 (2010-2011)	100% of students with disabilities will continue to participate in the state’s large-scale assessment.

3C.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	50% of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment.
2006 (2006-2007)	55% of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment.
2007 (2007-2008)	60% of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment.
2008 (2008-2009)	65% of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment.
2009 (2009-2010)	70% of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment.
2010 (2010-2011)	75% of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment.

Improvement Activities/Timelines/Resources:

Improvement	Timelines	Resources
KDE will pilot the Student Data Accumulator in select LEAs across the Commonwealth.	2006	Office of Data Policy Management
DECS will analyze the 2005 KCMP data for areas of needed growth in order to design and provide technical assistance to each of the special education coops and LEA.	2006-2007	
DECS, in partnership with the special education coops, will develop technical assistance on how LEAs and schools need to analyze their data in order to make data-driven decisions.	2007-2008	Special Education Coops
As DECS conducts the 2005 on-site monitoring visits, LEAs that have exemplary practices will be identified and utilized as models.	2005-2006	On-site monitoring teams

<p>DECS will build staff capacity by providing opportunities for staff to gain expertise in core content areas (e.g.; math, reading, writing, etc.) and other areas related to disability.</p>	<p>2006 and on-going</p>	<p>Various partners from across the state</p>
<p>DECS in partnership with IHDI will analyze the 10 UDL Pilot Schools to identify effective UDL practices.</p>	<p>2007-2008</p>	<p>IHDI</p>
<p>DECS will continue to fund the Literacy Consultant at each of the Special Education Cooperatives.</p>	<p>2005- ongoing</p>	

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.
- B. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of districts in the State times 100.

Include State's definition of "significant discrepancy."

Overview of Issue/Description of System or Process:

- A. Since the early 1990's, Kentucky has prohibited the removal of a student with a disability for more than ten school days during a school year. 707 KAR 1:340 (Section 10).

Due to a requirement of the Section 618 on discipline, KDE began requiring schools to report suspension and expulsion data for students with disabilities. DECS, along with special education co-ops and LEAs, utilize this data to prompt change in instructional programs, and to monitor the effectiveness of policies and practices.

In 1993, DECS initiated the annual "Behavior Institute" in collaboration with the Kentucky Council for Children with Behavior Disorders. This conference has grown to 1,400 participants each year. The focus and purpose of this Institute is to provide training and build local capacity to remove behavior as a barrier to learning and improve overall student achievement.

In 1997, the DECS began a multi-year project called Kentucky Instructional Discipline Schools (KIDS Project) initially with 10 schools (formerly called Model

Schools). One component of the training was for schools to track, analyze, and disaggregate suspension data at the school level. Based on specific flagging criteria, schools were to design targeted interventions for students with and without disabilities. Because of the success of the KIDS Project, the Kentucky Center for Instructional Discipline (KCID) was funded by the State Improvement Grant (2004). To date, over 150 schools have participated or are currently going through this training. The majority of these schools have shown a significant decline in suspensions/expulsions for both students with and without disabilities.

In 1998, the Kentucky Legislature responded to public concerns of school safety and created the Center for School Safety. This action mandated that schools track and report suspension data for all students through KDE's student information system. In 2005, the Center for School Safety began to access data through KDE in order to track and disaggregate suspension data for students with disabilities. The Center for School Safety analyzes data for use as predictors and trends to target interventions. The results of this report will be published in January 2006.

In Spring 2005, the Kentucky Board of Education (KBE) asked KDE to develop a "Closing the Achievement Gap Plan" for students with disabilities based on a review of student achievement and gap data across the state. As this process evolved, KBE asked for the plan to be inclusive of five subpopulations (ethnicity, students with disabilities, limited English proficiency (LEP), socio economic status (SES), and gender). This plan is currently waiting on final review and approval by KBE and the Legislature prior to full implementation. Some components of this plan will directly and indirectly affect suspension and expulsion rates in Kentucky.

KDE is currently collecting data in all five sub-group areas. However, until Spring 2005, the data had not been queried in such a collective and collaborative manner. One goal of the "Closing the Achievement Gap Plan" is to disaggregate and analyze data around these five sub-groups. DECS believes that the overuse of suspensions/expulsions is a barrier for students to access rigorous curriculum and instruction.

Another goal of the "Closing the Achievement Gap Plan" is that all schools will be required to have a functioning Problem Solving Team. District/school teams will receive training in academic and behavioral interventions to ensure that students who are experiencing difficulties will receive support and intervention. Schools will identify these students through "flagging criteria", one of which will be suspension, both in and out of school. The Problem Solving Team will develop intervention plans using the flagging criteria and a functional behavior assessment as baseline information. By determining the function of the student's behavior, the team should be able to identify if suspension is being used as a consequence of avoidance by either the school or student.

SPP Template – Part B (3)

Kentucky

Indicator 4: Rates of Suspensions and Expulsions by District in Kentucky for Greater than 10 Days.

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Total Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
Adair Co	2,585	14	0.54%		484	0.00%	0.54%	-	No
Allen Co	2,949	12	0.41%	1	400	0.25%	0.16%	0.614	No
Anchorage Ind	434		0.00%		86	0.00%	0.00%	-	No
Anderson Co	3,657	54	1.48%		798	0.00%	1.48%	-	No
Ashland Ind	3,189	16	0.50%	1	549	0.18%	0.32%	0.363	No
Augusta Ind	286		0.00%		60	0.00%	0.00%	-	No
Ballard Co	1,372	9	0.66%	1	332	0.30%	0.35%	0.459	No
Barbourville Ind	626	1	0.16%		97	0.00%	0.16%	-	No
Bardstown Ind	1,953	6	0.31%	1	347	0.29%	0.02%	0.938	No
Barren Co	4,008	9	0.22%	1	672	0.15%	0.08%	0.663	No
Bath Co	1,863	18	0.97%	1	252	0.40%	0.57%	0.411	No
Beechwood Ind	975		0.00%		124	0.00%	0.00%	-	No
Bell Co	3,026	18	0.59%	2	558	0.36%	0.24%	0.603	No
Bellvue Ind	843	14	1.66%	1	172	0.58%	1.08%	0.350	No
Berea Ind	1,051	7	0.67%	2	182	1.10%	-0.43%	1.650	Yes
Boone Co	15,023	131	0.87%	19	2,236	0.85%	0.02%	0.974	No
Bourbon Co	2,642	6	0.23%		414	0.00%	0.23%	-	No
Bowling Green Ind	3,436	14	0.41%	2	477	0.42%	-0.01%	1.029	No
Boyd Co	3,322	3	0.09%		703	0.00%	0.09%	-	No
Boyle Co	2,731	19	0.70%	4	607	0.66%	0.04%	0.947	No

SPP Template – Part B (3)

Kentucky

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Total Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
Bracken Co	1,189	16	1.35%		191	0.00%	1.35%	-	No
Breathitt Co	2,137	44	2.06%	4	513	0.78%	1.28%	0.379	No
Breckinridge Co	2,576	7	0.27%	4	465	0.86%	-0.59%	3.166	No
Bullitt Co	11,139	71	0.64%	4	1,666	0.24%	0.40%	0.377	No
Burgin Ind	428		0.00%		90	0.00%	0.00%	-	No
Butler Co	2,170	10	0.46%	3	361	0.83%	-0.37%	1.803	No
Caldwell Co	1,985	33	1.66%	5	311	1.61%	0.05%	0.967	No
Calloway Co	2,835	4	0.14%	1	545	0.18%	-0.04%	1.300	No
Campbell Co	4,469	54	1.21%	11	910	1.21%	0.00%	1.000	No
Campbellsville Ind	1,150	3	0.26%		281	0.00%	0.26%	-	No
Carlisle Co	788		0.00%		153	0.00%	0.00%	-	No
Carroll Co	1,759	7	0.40%		312	0.00%	0.40%	-	No
Carter Co	4,771	52	1.09%	14	930	1.51%	-0.42%	1.381	No
Casey Co	2,312	12	0.52%	3	415	0.72%	-0.20%	1.393	No
Caverna Ind	776	5	0.64%		166	0.00%	0.64%	-	No
Christian Co	8,735	166	1.90%	15	1,504	1.00%	0.90%	0.525	No
Clark Co	5,192	45	0.87%	7	813	0.86%	0.01%	0.993	No
Clay Co	3,858	12	0.31%	2	902	0.22%	0.09%	0.713	No
Clinton Co	1,544	7	0.45%		366	0.00%	0.45%	-	No
Cloverport Ind	279		0.00%		95	0.00%	0.00%	-	No
Corbin Ind	2,164	5	0.23%		280	0.00%	0.23%	-	No
Covington Ind	4,034	80	1.98%	4	902	0.44%	1.54%	0.224	No
Crittenden Co	1,319	6	0.45%	1	267	0.37%	0.08%	0.823	No

SPP Template – Part B (3)

Kentucky

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Total Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
Cumberland Co	1,089	14	1.29%	1	216	0.46%	0.82%	0.360	No
Danville Ind	1,778	7	0.39%		368	0.00%	0.39%	-	No
Daviess Co	10,476	15	0.14%	3	1,883	0.16%	-0.02%	1.113	No
Dawson Springs Ind	669	5	0.75%		176	0.00%	0.75%	-	No
Dayton Ind	1,039	6	0.58%		239	0.00%	0.58%	-	No
East Berstadt Ind	479		0.00%		89	0.00%	0.00%	-	No
Edmonson Co	1,957	6	0.31%	1	443	0.23%	0.08%	0.736	No
Elizabethtown Ind	2,245	25	1.11%		303	0.00%	1.11%	-	No
Elliott Co	1,158	1	0.09%		281	0.00%	0.09%	-	No
Eminence Ind	573		0.00%		84	0.00%	0.00%	-	No
Erlanger Ind	2,153	40	1.86%	5	397	1.26%	0.60%	0.678	No
Estill Co	2,431	17	0.70%	1	498	0.20%	0.50%	0.287	No
Fairview Ind	696		0.00%		119	0.00%	0.00%	-	No
Fayette Co	32,480	369	1.14%	15	3,676	0.41%	0.73%	0.359	No
Fleming Co	2,439	33	1.35%	5	373	1.34%	0.01%	0.991	No
Floyd Co	6,547	62	0.95%	15	1,310	1.15%	-0.20%	1.209	No
Fort Thomas Ind	2,276	1	0.04%		243	0.00%	0.04%	-	No
Frankfort Ind	885	6	0.68%	1	247	0.40%	0.27%	0.597	No
Franklin Co	5,691	56	0.98%	2	799	0.25%	0.73%	0.254	No
Fulton Co	688		0.00%		155	0.00%	0.00%	-	No
Fulton Ind	446	1	0.22%	1	104	0.96%	-0.74%	4.288	No
Gallatin Co	1,497	58	3.87%	9	296	3.04%	0.83%	0.785	No
Garrard Co	2,418	21	0.87%	2	422	0.47%	0.39%	0.546	No

SPP Template – Part B (3)

Kentucky

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Total Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
Glasgow Ind	1,932	1	0.05%		336	0.00%	0.05%	-	No
Grant Co	3,702	15	0.41%	2	556	0.36%	0.05%	0.888	No
Graves Co	4,418	11	0.25%		690	0.00%	0.25%	-	No
Grayson Co	4,065		0.00%		613	0.00%	0.00%	-	No
Green Co	1,634	4	0.24%		273	0.00%	0.24%	-	No
Greenup Co	3,053	26	0.85%	6	530	1.13%	-0.28%	1.329	No
Hancock Co	1,508		0.00%		249	0.00%	0.00%	-	No
Hardin Co	12,893	39	0.30%	3	2,291	0.13%	0.17%	0.433	No
Harlan Co	4,636	41	0.88%	3	817	0.37%	0.52%	0.415	No
Harlan Ind	857		0.00%		179	0.00%	0.00%	-	No
Harrison Co	3,120	64	2.05%	7	538	1.30%	0.75%	0.634	No
Harrodsburg Ind	879	4	0.46%		249	0.00%	0.46%	-	No
Hart Co	2,382	14	0.59%		481	0.00%	0.59%	-	No
Hazard Ind	859	1	0.12%		164	0.00%	0.12%	-	No
Henderson Co	6,638	11	0.17%		1,181	0.00%	0.17%	-	No
Henry Co	2,075	11	0.53%	1	281	0.36%	0.17%	0.671	No
Hickman Co	763		0.00%		182	0.00%	0.00%	-	No
Hopkins Co	6,917	64	0.93%	22	1,558	1.41%	-0.49%	1.526	Yes
Jackson Co	2,199		0.00%		530	0.00%	0.00%	-	No
Jackson Ind	581		0.00%		77	0.00%	0.00%	-	No
Jefferson Co	89,384	1190	1.33%	108	13,792	0.78%	0.55%	0.588	No
Jenkins Ind	551	2	0.36%		100	0.00%	0.36%	-	No
Jessamine Co	6,707	68	1.01%	4	1,214	0.33%	0.68%	0.325	No

SPP Template – Part B (3)

Kentucky

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Total Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
Johnson Co	3,599		0.00%		655	0.00%	0.00%	-	No
Kenton Co	12,068	86	0.71%	11	1,844	0.60%	0.12%	0.837	No
Knott Co	2,665	22	0.83%	6	518	1.16%	-0.33%	1.403	No
Knox Co	4,681	38	0.81%	4	880	0.45%	0.36%	0.560	No
Larue Co	2,311	5	0.22%		452	0.00%	0.22%	-	No
Laurel Co	8,610	25	0.29%		1,559	0.00%	0.29%	-	No
Lawrence Co	2,547	6	0.24%	1	484	0.21%	0.03%	0.877	No
Lee Co	1,229	6	0.49%	2	218	0.92%	-0.43%	1.879	No
Leslie Co	2,052	3	0.15%	1	404	0.25%	-0.10%	1.693	No
Letcher Co	3,442	7	0.20%	1	808	0.12%	0.08%	0.609	No
Lewis Co	2,384	8	0.34%	1	421	0.24%	0.10%	0.708	No
Lincoln Co	4,161	24	0.58%	12	1,032	1.16%	-0.59%	2.016	Yes
Livingston Co	1,284	5	0.39%		249	0.00%	0.39%	-	No
Logan Co	3,285	4	0.12%		641	0.00%	0.12%	-	No
Ludlow Ind	958	12	1.25%	2	155	1.29%	-0.04%	1.030	No
Lyon Co	957	3	0.31%	2	178	1.12%	-0.81%	3.584	Yes
Madison Co	8,795	19	0.22%	4	2,068	0.19%	0.02%	0.895	No
Magoffin Co	2,340	7	0.30%	1	436	0.23%	0.07%	0.767	No
Marion Co	2,988	15	0.50%	4	565	0.71%	-0.21%	1.410	No
Marshall Co	4,573	6	0.13%		626	0.00%	0.13%	-	No
Martin Co	2,292	42	1.83%	4	543	0.74%	1.10%	0.402	No
Mason Co	2,656	41	1.54%	7	434	1.61%	-0.07%	1.045	No
Mayfield Ind	1,458	6	0.41%		275	0.00%	0.41%	-	No

SPP Template – Part B (3)

Kentucky

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Total Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
McCracken Co	6,502	16	0.25%	2	1,006	0.20%	0.05%	0.808	No
McCreary Co	3,192	57	1.79%	5	611	0.82%	0.97%	0.458	No
McLean Co	1,591	2	0.13%		257	0.00%	0.13%	-	No
Meade Co	4,533	6	0.13%	3	834	0.36%	-0.23%	2.718	No
Menifee Co	1,171	8	0.68%	3	270	1.11%	-0.43%	1.626	Yes
Mercer Co	2,217	4	0.18%	2	386	0.52%	-0.34%	2.872	No
Metcalfe Co	1,592	4	0.25%		281	0.00%	0.25%	-	No
Middlesboro Ind	1,697		0.00%		327	0.00%	0.00%	-	No
Monroe Co	1,972	6	0.30%		315	0.00%	0.30%	-	No
Montgomery Co	3,995	9	0.23%	4	615	0.65%	-0.43%	2.887	No
Monticello Ind	820	2	0.24%	1	156	0.64%	-0.40%	2.628	No
Morgan Co	2,196	8	0.36%		433	0.00%	0.36%	-	No
Muhlenberg Co	4,979	6	0.12%	2	986	0.20%	-0.08%	1.683	No
Murray Ind	1,706	2	0.12%	1	305	0.33%	-0.21%	2.797	No
Nelson Co	4,614	20	0.43%	4	759	0.53%	-0.09%	1.216	No
Newport Ind	2,289	61	2.66%	2	397	0.50%	2.16%	0.189	No
Nicholas Co	1,156	20	1.73%	4	181	2.21%	-0.48%	1.277	No
Ohio Co	3,891	7	0.18%	3	704	0.43%	-0.25%	2.369	No
Oldham Co	9,949		0.00%		1,595	0.00%	0.00%	-	No
Owen Co	1,840	21	1.14%	1	228	0.44%	0.70%	0.384	No
Owensboro Ind	3,849	22	0.57%	2	863	0.23%	0.34%	0.405	No
Owsley Co	787	13	1.65%	4	135	2.96%	-1.31%	1.794	Yes
Paducah Ind	2,887	99	3.43%	19	427	4.45%	-1.02%	1.298	No

SPP Template – Part B (3)

Kentucky

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
Paintsville Ind	842		0.00%		86	0.00%	0.00%	-	No
Paris Ind	727	2	0.28%		91	0.00%	0.28%	-	No
Pendleton Co	2,801	24	0.86%	7	439	1.59%	-0.74%	1.861	Yes
Perry Co	4,467	15	0.34%	2	987	0.20%	0.13%	0.603	No
Pike Co	9,861	10	0.10%	3	1,491	0.20%	-0.10%	1.984	No
Pikeville Ind	1,187	1	0.08%		136	0.00%	0.08%	-	No
Pineville Ind	574		0.00%		91	0.00%	0.00%	-	No
Powell Co	2,474	4	0.16%	1	497	0.20%	-0.04%	1.244	No
Providence Ind	417	6	1.44%	1	90	1.11%	0.33%	0.772	No
Pulaski Co	7,399	48	0.65%	4	1,270	0.31%	0.33%	0.485	No
Raceland Ind	947	1	0.11%		108	0.00%	0.11%	-	No
Robertson Co	390	7	1.79%	2	80	2.50%	-0.71%	1.393	No
Rockcastle Co	2,899	11	0.38%		549	0.00%	0.38%	-	No
Rowan Co	2,879	18	0.63%	7	598	1.17%	-0.55%	1.872	Yes
Russell Co	2,799		0.00%		570	0.00%	0.00%	-	No
Russell Ind	2,083	3	0.14%	1	291	0.34%	-0.20%	2.386	No
Russellville Ind	1,166	22	1.89%	4	247	1.62%	0.27%	0.858	No
Science Hill Ind	461		0.00%		76	0.00%	0.00%	-	No
Scott Co	6,284	47	0.75%	3	1,000	0.30%	0.45%	0.401	No
Shelby Co	5,352	26	0.49%	1	855	0.12%	0.37%	0.241	No
Silver Grove Ind	328	3	0.91%		74	0.00%	0.91%	-	No
Simpson Co	2,961	21	0.71%	1	375	0.27%	0.44%	0.376	No
Somerset Ind	1,523	7	0.46%		220	0.00%	0.46%	-	No

SPP Template – Part B (3)

Kentucky

District	All Students			Children With Disabilities			Difference	Risk Ratio	Significant Discrepancy
	Total Membership	Total Suspended Greater than 10 Days	Percent Suspended All	Suspended Greater than 10 Days	Child Count	Percent Suspended Disabilities			
Southgate Ind	153	4	2.61%		54	0.00%	2.61%	-	No
Spencer Co	2,261	14	0.62%	1	477	0.21%	0.41%	0.339	No
Taylor Co	2,566	2	0.08%		410	0.00%	0.08%	-	No
Todd Co	1,879	7	0.37%	2	422	0.47%	-0.10%	1.272	No
Trigg Co	2,027	22	1.09%	4	358	1.12%	-0.03%	1.029	No
Trimble Co	1,529	2	0.13%		239	0.00%	0.13%	-	No
Union Co	2,350	6	0.26%	1	556	0.18%	0.08%	0.704	No
Walton-Verona Ind	1,131	2	0.18%		202	0.00%	0.18%	-	No
Warren Co	11,042	24	0.22%	6	1,502	0.40%	-0.18%	1.838	No
Washington Co	1,776	4	0.23%		387	0.00%	0.23%	-	No
Wayne Co	2,499	8	0.32%		518	0.00%	0.32%	-	No
Webster Co	1,839	11	0.60%	3	354	0.85%	-0.25%	1.417	No
West Point Ind	154		0.00%		28	0.00%	0.00%	-	No
Whitley Co	4,484	4	0.09%		933	0.00%	0.09%	-	No
Williamsburg Ind	745	1	0.13%	1	125	0.80%	-0.67%	5.960	No
Williamstown Ind	840	4	0.48%		94	0.00%	0.48%	-	No
Wolfe Co	1,300	5	0.38%		275	0.00%	0.38%	-	No
Woodford Co	3,738	10	0.27%		440	0.00%	0.27%	-	No

Discussion of Baseline Data for FFY 2004 (2004-2005):

In the table above, DECS determined that a significant discrepancy for the suspension of students for greater than ten days would be based on the Risk Ratio method. We further determined that a Risk Ratio greater than 1.5 for students with disabilities when compared to the suspension of all students for greater than ten days represented a significant discrepancy. However, we excluded from this group any district whose total percent of students with disabilities who were suspended for greater than ten days did not exceed 1 percent of their population of students with disabilities. This means that if a district suspended 1 percent or less of its students with disabilities for greater than ten days, then that district was not considered to have a significant discrepancy.

DECS has established a rigorous target of reducing the number of districts identified as having a significant discrepancy above by 18 for each of the next four years and by 16 for the last two years of this six-year plan.

FFY	Measurable and Rigorous Target for Indicator 4A
<p>2005 (2005-2006)</p>	<p>BASELINE from 2004-2005 Data: $104/178 \times 100 = 58.43\%$</p> <p>The number of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will decrease by 10% to 48.31%.</p>
<p>2006 (2006-2007)</p>	<p>The number of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will decrease by 10% to 38.20%</p>
<p>2007 (2007-2008)</p>	<p>The number of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will decrease by 10% to 28.09%.</p>
<p>2008 (2008-2009)</p>	<p>The number of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will decrease by 10% to 17.98%.</p>

FFY	Measurable and Rigorous Target for Indicator 4A
<p>2009 (2009-2010)</p>	<p>The number of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will decrease by 10% to 8.99%.</p>
<p>2010 (2010-2011)</p>	<p>The number of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will decrease to 0%.</p>

FFY	Measurable and Rigorous Target for Indicator 4B
<p>2005 (2005-2006)</p>	<p>As 4B is a new indicator, measurable and rigorous targets will be developed and submitted with the APR submitted February 1, 2007</p>
<p>2006 (2006-2007)</p>	<p>As 4B is a new indicator, measurable and rigorous targets will be developed and submitted with the APR submitted February 1, 2007</p>
<p>2007 (2007-2008)</p>	<p>As 4B is a new indicator, measurable and rigorous targets will be developed and submitted with the APR submitted February 1, 2007</p>
<p>2008 (2008-2009)</p>	<p>As 4B is a new indicator, measurable and rigorous targets will be developed and submitted with the APR submitted February 1, 2007</p>
<p>2009 (2009-2010)</p>	<p>As 4B is a new indicator, measurable and rigorous targets will be developed and submitted with the APR submitted February 1, 2007</p>
<p>2010 (2010-2011)</p>	<p>As 4B is a new indicator, measurable and rigorous targets will be developed and submitted with the APR submitted February 1, 2007</p>

Improvement Activities/Timelines/Resources for Indicator 4A:

Activity	Timeline	Resources
<p>DECS will establish a Request For Proposal for development of model policies and procedures that will address a positive, proactive approach to discipline and alternatives to suspension. Model policies and procedures will be communicated to districts via Special Education Cooperatives, DOSE list-serve, and state CEC conferences, and Behavior Institute.</p>	<p>September 2006</p>	
<p>KDE will expand the number of schools by 50 schools each year that are trained in Instructional Discipline.</p>	<p>September 2006 and on-going</p>	<p>Kentucky Center for Instructional Discipline (KCID)</p>
<p>DECS will continue to co-sponsor the Summer Behavior Institute, including sessions to provide supports and strategies to effectively remove behavior as a barrier to learning. A training session will be provided specifically on alternatives to suspension.</p>	<p>December 2005 through 2011</p>	<p>Kentucky Center for Instructional Discipline (KCID) Council for Children with Behavior Disorders Kentucky Center for School Safety</p>
<p>KDE will provide data to the Center for School Safety for the collection and analysis of suspension data at the state and regional level for students with disabilities. This data will be available to schools for analysis and comparison to other districts/schools.</p>	<p>December 2005 and on-going</p>	<p>Kentucky Center for School Safety</p>

Activity	Timeline	Resources
<p>DECS will revise the KCMP to require LEAs to self-assess how they evaluate the overall impact of their policies and procedures on students with disabilities, including a plan of action to amend LEA policies and procedures as needed, and develop activities/methods to assess future implementation and impact.</p>	<p>December 2006-2008</p>	<p>Special Education Cooperatives</p>

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

<p>Monitoring Priority: FAPE in the LRE</p>
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Indicator 5: Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

<p>Measurement:</p>

- | |
|---|
| <ul style="list-style-type: none"> A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100. B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100. C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100. |
|---|

Overview of Issue/Description of System or Process:

Since the reauthorization of IDEA in 1997, Kentucky has made significant gains in increasing the percentage of time special education students spend in the general education classroom to the maximum extent possible based on the individual needs of the students. The state, since the Kentucky Education Reform Act in 1990, has only one curriculum for all students. The Program of Studies and Core Content is the basis of instruction for all students, including students with disabilities across categorical areas. Children with special needs are counted on the assessment for the schools' accountability index which is how schools in Kentucky are evaluated on where they are in meeting the state established accountability goal that all students will reach proficiency by 2014, Kentucky will continue to emphasize the delivery of core content to students with disabilities in the general education classroom provided by content-certified teachers who meet NCLB's highly qualified requirements. In addition, the state of Kentucky has in place, since 1990, an Integrated preschool program for all children with disabilities who are three years of age and for students who are income-eligible at the age of four. The provision of early intervention services in a fully integrated preschool program

works towards decreasing the number of children with special needs who require supports in special education services for all or part of their instructional day.

Baseline Data for FFY 2004 (2004-2005):

A.	Removed from regular class less than 21%	62%
B.	Removed from class greater than 60%	11.7%
C.	Served in other public or private schools, residential placements, or homebound or hospital placements	4%

Discussion of Baseline Data:

For FFY 03 and 04, DECS monitored LRE through the KCMP Probe 5.1, which states "Are children with disabilities (including preschoolers) educated with non-disabled peers to the maximum extent appropriate?" DECS also reviewed the number of substantiated complaints, hearings, and or mediations in which the LEA was found to be in violation related to LRE or mediations in which LRE was the issue. Kentucky only had 9 LEAs out of 178 that had LRE violations based upon the analysis of two years of KCMP data.

Based upon 618 data, Kentucky reports placement options as 80% or more time in the general education setting; 40 to 80% of the instructional day in general education setting; and less than 40% in the general education program; and then other students are tracked as receiving services in a public day school, private day school, public residential school, private residential school, home/hospital services, correctional facilities and placement by parents in private schools. In Kentucky, children who are home schooled by their families are considered by legislation to be enrolled in private school placements. Kentucky currently has 62% of children with IEPs removed from regular class less than 21% of the day as reported in our December 1 child count data. This is higher than the national average. Kentucky has 11.7% of children with IEPs removed from regular class greater than 60% of the day and only 4% in separate schools, residential placements, or homebound or hospital placements. Although not requested by OSEP, DECS collects data in Kentucky on the number of children placed in the general education classroom 40-80% of the day. Kentucky currently has 24% of students with disabilities who are placed in the general education classroom between 40-80% of their day. DECS and our state stakeholder group reviewed trend annual data count data from the last three years in order to establish Kentucky’s targets for the next three years.

See Overview of Issue/Description of System or Process section in Indicator 9 for a discussion of how Kentucky will handle disproportionate representation.

In setting the measurable and rigorous targets for FAPE in the LRE 2005 SPP, the state has not compromised the individual needs of the child as determined by the ARC/IEP team. Placement decisions will continue to be the responsibility of the ARC/IEP team and will be based on each child’s unique needs.

A.

FFY	Measurable and Rigorous Target
2005 - 2006	Target A, Kentucky will stagger decreasing the number of students spending less than 21% of their instructional day in the general education program from 38 percent to 37 percent.
2007 - 2008	Target A, Kentucky will stagger decreasing the number of students spending less than 21% of their instructional day in the general education program from 37 percent to 36 percent.
2009-2010	Target A, Kentucky will stagger decreasing the number of students spending less than 21% of their instructional day in the general education program from 36 percent to 35 percent.

B.

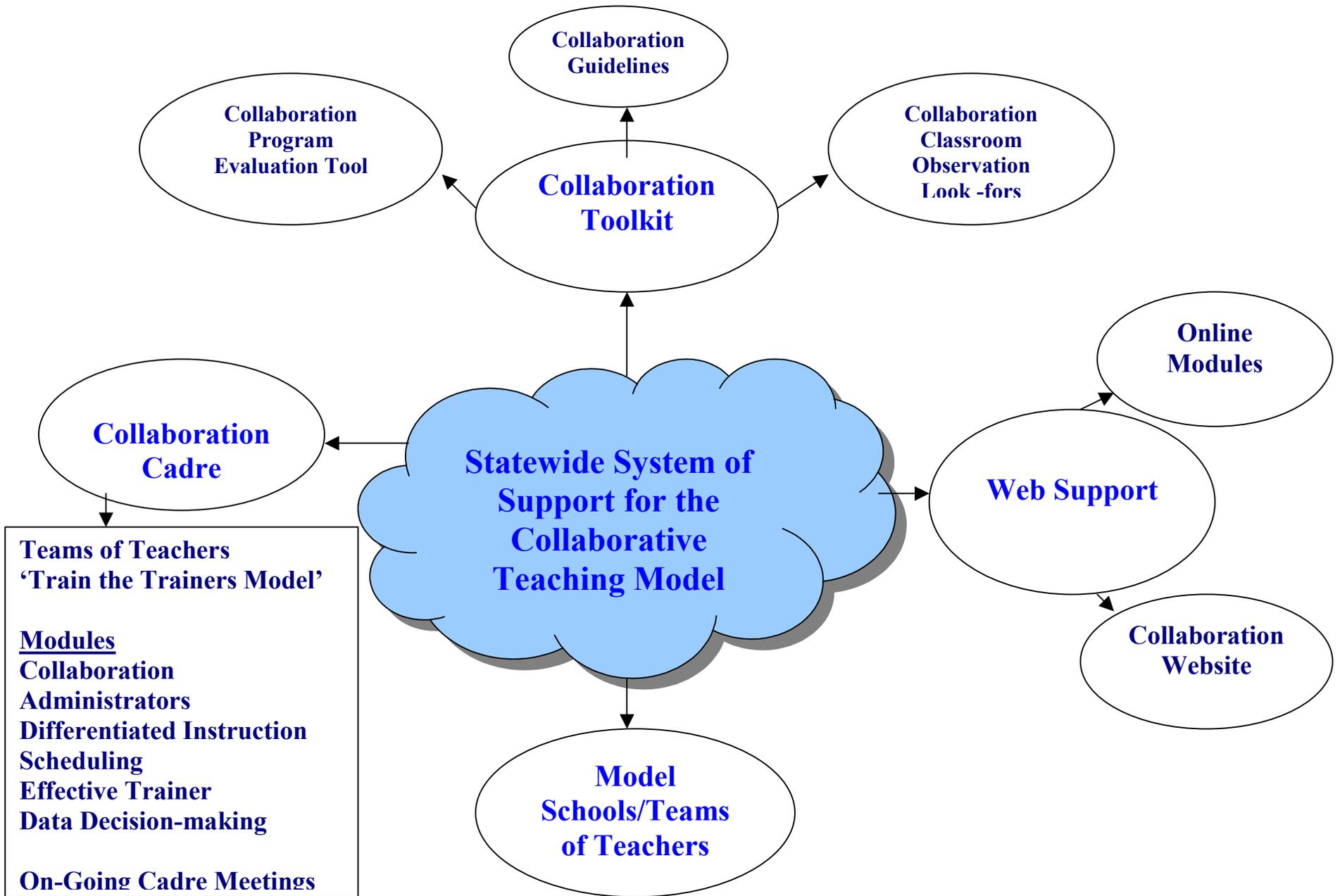
FFY	Measurable and Rigorous Target
2005 - 2006	Target B, Kentucky will stagger decreasing the number of students spending more than 60% of their instructional day in special education programs from 11.7% to 11.5%
2007 - 2008	Target B, Kentucky will stagger decreasing the number of students spending more than 60% of their instructional day in special education programs from 11.5% to 11.2%
2009-2010	Target B, Kentucky will stagger decreasing the number of students spending more than 60% of their instructional day in special education programs from 11.2% to 11%.

Kentucky will work to have a slight improvement in reducing the number of students receiving services in public and private residential and day schools .1 of a percent each year for a total of .6 of a percent reduction during the six-year State Performance Plan time frame. DECS and our state stakeholder group reviewed the annual child count trend data from the last three years in order to establish Kentucky’s improvement activities for the next six years.

C.

FFY	Measurable and Rigorous Target
2005 - 2006	Target C, Kentucky will stagger decreasing the number of students receiving their special education services in public and private residential day schools by .1 percent each year.
2007 - 2008	Target C, Kentucky will stagger decreasing the number of students receiving their special education services in public and private residential day schools by .1 percent each year.
2009-2010	Target C, Kentucky will stagger decreasing the number of students receiving their special education services in public and private residential day schools by .1 percent each year.

As a means of increasing the number of students placed in the general education setting, KDE will provide support to LEAs and schools using the collaborative service delivery model through developing a Statewide Support System for the Collaborative Teaching Model (as seen in the activities for this indicator below).



Improvement	Timelines	Resources
<p>the general education curriculum. These schools/teams will be used as collaboration model sites.</p> <p>Each of the Special Education Cooperatives will conduct on-going site visits and provide on-going professional development to these identified sites.</p> <p>DECS, in partnership with the Kentucky Virtual High School and Teaching and Learning Solutions, LTD., will offer facilitated online collaboration training modules that LEAs and schools may use to offer professional development to administrators and staff in a virtual setting.</p> <p>DECS will create a web site for collaboration that can be linked to the KDE Division of Exceptional Children web page that will provide LEAs with access to articles, collaboration strategies for teacher teams and students, conflict resolution strategies, and implementation of effective collaboration strategies.</p>	<p>2008- on-going</p> <p>2008- 2009</p> <p>2009- 2010</p>	
<p>DECS, in collaboration with the Office for Leadership and School Improvement, will jointly work to fully train and utilize Kentucky’s Highly Skilled Educators and Special Education Mentors to support the collaborative teaching model in the schools where they manage school improvement.</p>	<p>2007- 2008</p>	

Improvement	Timelines	Resources
<p>DECS will provide guidance documents to LEAs that are using 15% of their IDEA B funds for non-identified students to address early intervention needs resulting in a decrease in the number of referrals for special education for students participating in these services.</p>	<p>2007- 2008</p>	
<p>DECS will facilitate the development of guidelines for the implementation of students' responses to appropriate interventions and train them how to use data collected during intervention services to drive instruction.</p> <p>DECS will develop guidelines, strategies and implementation manuals on appropriate research-based response to intervention (RTI) techniques and strategies. The student /teacher assistance teams will be created and utilized at all schools as pre-referral teams.</p>	<p>2008-2009</p> <p>2008-2009</p>	
<p>Target B. Activities: Increase the number of students who are placed in the general education setting for 40-80% of their instructional day.</p> <p>DECS will provide continued support for the Kentucky Center on Instructional Discipline (KYCID), on-going funding and collaboration.</p> <p>DECS, in partnership with KY-SPIN and the Kentucky Parent Resource Centers, will develop parent training and advocacy training on LRE and placement options and then deliver regionally across the state.</p>	<p>2005- ongoing</p> <p>2006-2007</p>	

Improvement	Timelines	Resources
<p>DECS will promote the use of Universal Design for Learning (UDL) principles in at least 75% of Kentucky schools in the design of units of study and other curricular materials as evidenced by lesson plans and classroom observations.</p>	<p>2008- ongoing</p>	
<p>All Kentucky schools will appoint a school Digital Rights Manager and will utilize the materials available through the Kentucky Accessible Materials Database (KAMD) as needed, as evidenced by reports provided by the Kentucky Accessible Materials Consortium (KAMC).</p>	<p>2010-2011</p>	
<p>DECS, in partnership with local school LEAs, will ensure 98% of Kentucky schools will utilize technology resources to close the achievement gap in literacy and writing and to provide students with disabilities access to the general curriculum as evidenced by survey data collected from students, teachers, and administrators.</p>	<p>2010-2011</p>	
<p>DECS will increase the use of CATS online assessment use to at least 95% of Kentucky schools with eligible students.</p>	<p>2010-2011</p>	
<p>DECS, in collaboration with the Division of Assessment, will offer the Kentucky Core Content Tests and the Augmented Norm-Referenced Tests in at least three forms.</p>	<p>2009-2010</p>	
<p>DECS, in collaboration with the Division of Career and Technical Education and the Division of Assessment, will make all state and other required assessments available in digital format for online testing.</p>	<p>2011-2012</p>	

Improvement	Timelines	Resources
<p>DECS, in collaboration with other KDE partners, will develop school culture and climate trainings to be shared with schools who are considered to be in crisis not meeting their school NCLB requirements or their set school accountability index.</p> <p>DECS, along with the Division of Federal Programs, will train all of the special education coops to do complete culture audits.</p> <p>DECS will market the use of alternative delivery models for students with mental health issues transitioning back from residential programs and/or homebound instruction through utilizing the request for shortened day waivers.</p>	<p>2007-2008</p> <p>2007-2008</p> <p>2007-2008</p>	
<p>Target C. Activities: Increase the numbers of students placed back into the public school setting from residential, home/hospital placements.</p> <p>DECS along with state stakeholders will develop suggested communication strategies to improve cooperation between LEAs and private/home school programs. Develop guidelines to allow students to participate in their home school in the form of auditing a class for the school year.</p> <p>DECS in partnership with the Kentucky Parent Resource Centers will develop resources for new home school parents or guardians on how to establish an effective home school environment, statistics on home schools, and how parents can smoothly transition their children back into public schools.</p>	<p>2008-2009</p> <p>2008-2009</p>	

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

Overview of Issue/Description of System or Process:

A. Kentucky Demographics – Discussion of Data

There are currently over 266,000 children under the age of five in Kentucky, with 26% of those children under five living in poverty (KIDS Count, 2005), giving Kentucky a rank of 42nd in the nation in meeting the needs of children and families. Kentucky also has a large percentage of children (59%) who live in homes where both parents are in the workforce. Children under the age of five are served by a number of agencies within the state. State data indicate that in the year 2004-2005, Kentucky served 11,052 infants and toddlers through Part C. The state funded preschool program in 2004-2005 served 13,440 three and four-year-olds with disabilities and 8,020 4-year-old children at risk of educational failure (December 1, 2005). Head Start programs in the state served 14,342 children in 2004-2005. Finally, Kentucky has 9,184 Licensed/Regulated Child Care Homes and 2,173 Licensed/Regulated Child Care Centers that provide out-of-home care for families.

B. Historical Background

Given the diverse types of services available for children under the age of five and their families, Kentucky has made a concerted, comprehensive effort to provide inclusive environments for young children with disabilities over the last fifteen years. In 1990, the legislature passed the Kentucky Education Reform Act, which established preschool programs for young children at risk of educational failure. These state-funded programs were designed to serve four-year-old children who were eligible for free lunch and three and four-year-old children with a diagnosed disability or developmental delay. The regulations further state that the state-funded preschool program is to be inclusive and serve children in the least restrictive environment.

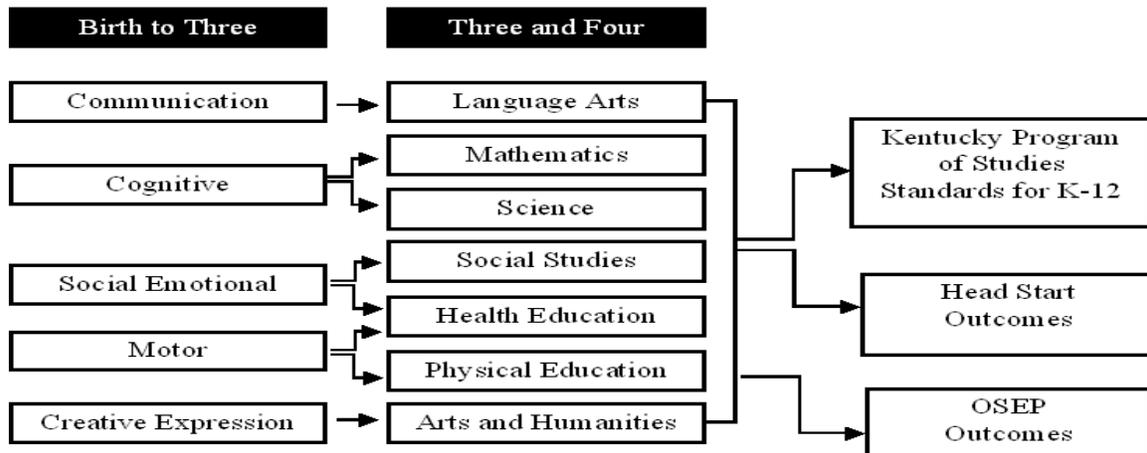
In 1999, Kentucky began a comprehensive effort to address the unmet needs of young children and their families. The effort included input from thousands of Kentucky citizens, and resulted in the passage of HB706, more commonly known as the KIDS NOW Early Childhood Development Initiative. KIDS NOW provides the foundation for a meaningful, results-oriented initiative that will ensure the brightest possible future for all Kentucky children. KIDS NOW builds upon existing resources, fosters public/private partnerships, and ensures collaborative planning and implementation at the state and local level.

Kentucky Early Childhood Standards

In 2001, two work groups were convened to construct the *Kentucky Early Childhood Standards*. Upon completion in 2003, the *Kentucky Early Childhood Standards* were released. The *Standards* are designed as a framework to assist parents, early care and education professionals, administrators, and other stakeholders in understanding what Kentucky wants all children to know and be able to do from birth through four years of age. These early childhood standards outline a shared set of expectations for young children drawn from current research, in order to provide the foundation for the competencies that are critical to ensuring later academic success. The *Kentucky Early Childhood Standards* document provides standards, benchmarks, a developmental continuum, and examples for each learning domain (Birth to Three) and content areas of development (Three and Four) that align with the K-12 Program of Studies, Head Start Outcomes Framework, and OSEP Early Childhood Outcomes (See Figure 1).

Figure 1: Linkages Across Standards

Linkages Across Standards



The *Standards* are universally designed and are applicable to all early care and education environments across the state. To assist with this process, the *Standards* are grouped by age ranges (birth-to-three, three and four), and the standards, benchmarks, and developmental continuum are not aligned with specific ages. This allows for children of differing abilities to continue progressing through the standards, focusing on the development of knowledge and skills, not chronological age. Specific examples are provided for the developmental continuums that include examples of how a child with a disability might demonstrate a specific benchmark. The standards address the early language/communication, early literacy, and social-emotional skills of preschool-age children.

The *Kentucky Early Childhood Standards* have been adopted by the Department of Education, First Steps (Kentucky Early Intervention System), regulated child care, HANDS Voluntary Home Visitation Program, Even Start, Kentucky Family Literacy Programs, and other programs working with young children and their families. Since their release, thousands of early childhood professionals have been trained in the use of the *Kentucky Early Childhood Standards* at state and regional conferences/institutes, through training provided by Early Childhood Regional Training Centers, Child Care Resource and Referral Agencies, Kentucky Department of Education, and institutes of higher education. Both 2 and 4-year institutes of higher education are using the *Kentucky Early Childhood Standards* as a consistent base for all early childhood courses, including the related early childhood standards in their syllabus and course content.

Kentucky Early Childhood Standards Parent Guides

Released in August 2004 – The *Parent Guide for Children Birth -Three and the Parent Guide for Children Three and Four*, translates the *Kentucky Early Childhood Standards* into a usable format for parents and families. These documents provide a vehicle to assist parents in understanding the developmental sequence that unfolds in the first four years of life, their role in supporting development and learning during the first four years and the connection between the early years and later academic success. The *Guides* assist parents in their role as the primary teachers and caregivers of their children and provides a tool that gives appropriate child development information related to child outcomes. The *Guides* also underscore the importance of positive daily interactions and routines as the most important way parents can support their child's positive development. Individuals that work with young children and their families have been trained in the use of the *Parent Guides* and understand the link with the *Kentucky Early Childhood Standards*. The following programs are using *Parent Guides*:

- HANDS Voluntary Home Visitation Program
- First Steps (Kentucky Early Intervention System)
- Even Start
- Head Start/Early Head Start
- Family Resource Youth Services Centers
- Early Childhood Mental Health Program
- Kentucky Institute for Family Literacy
- State Funded Preschool
- Children's Advocacy Centers
- Early Childhood Regional Training Centers
- Community Early Childhood Councils
- Healthy Start in Child Care
- Higher Education
- Child Care Providers
- Healthy Babies Campaign

Kentucky Early Childhood Continuous Assessment Guide

In 2003-2004, a broad based, collaborative work group was convened to develop the *Kentucky Early Childhood Continuous Assessment Guide*. A continuous assessment system as defined by the Kentucky Department of Education (March 2004) is one which:

- Includes both formal and informal assessments conducted on a regular basis.
- Is integrated with instruction at various times.
- Improves learning and helps guide and direct the teaching-learning process.
- Should inform every aspect of instruction and curriculum.

This document is a companion piece to the *Kentucky Early Childhood Standards*, which provides a framework to assist early care and education professionals, administrators, and others in understanding the appropriate measurement of young children's progress on the standards and benchmarks. The purpose of the *Early Childhood Continuous Assessment Guide* is to provide recommended guidelines and practices in all areas of assessment: screening, diagnostic, classroom/instructional and program evaluation. *Kentucky's Early Childhood Continuous Assessment Guide* has several distinctive features:

- The document presents a continuous assessment process that is universally designed.
- The document is comprehensive.
- The document serves as a tool for matching program goals with assessment procedures and instruments that will help programs meet goals.
- The document provides information and tools to ensure that assessment procedures provide information about how well children are meeting the early childhood standards.

Hundreds of early childhood professionals have received training on the *Early Childhood Continuous Assessment Guide*. In addition, full-day training is available on appropriate screening practices and approved screening tools, and appropriate classroom/instructional practices and approved classroom/instructional instruments. Each Early Childhood Regional Training Center has been provided current copies of the approved screening, diagnostic, and classroom/instructional instruments. Each community and technical college that has an early childhood program has been provided copies of the approved screening instruments. All 8 of the state funded public universities have been provided with copies of the approved screening and classroom/instructional tools for use in the Interdisciplinary Early Childhood Education Certification courses. Community Early Childhood Councils were required to set aside a percentage of their funding to assist early childhood programs in purchasing approved screening and/or classroom/instruction tools.

Kentucky Early Childhood Quality Self-Study

In June 2005, the final document of the *Building a Strong Foundation for School Success* series was released. This self-study document describes research-based recommended policies and practices that contribute to program quality and to successful outcomes for children in early care and education programs. The *Kentucky Early Childhood Quality Self-Study* helps program personnel identify adult behaviors, environmental characteristics, program structural factors, and personnel considerations that are contributors to high-quality learning environments for all children birth to five years of age. Transition, Diversity, Guidance, Training, and Children with Special Needs are topics that are embedded throughout the *Quality Self-Study* document.

Kentucky General Supervision Enhancement Grant (GSEG) Project

Kentucky is in the second year of the GSEG Project of which one early childhood component is to pilot a process that can help infant, toddler and preschool programs to implement a Comprehensive Continuous Assessment System that can be used for children, birth to five, with and without disabilities across multiple delivery systems (public school preschool; inclusive private, non-profit child care; and independent and sponsored Developmental Interventionists). The GSEG Project is studying the process these systems use as they design or refine their continuous assessment system to ensure that programs can use outcome indicators that measure the extent to which young children with disabilities are being included in the assessment system and the extent to which these children are meeting the state standards.

Objectives Three and Four are in process (August 2005-June 2006). Staff is working with the participants to:

- Provide or secure training for staff on how to modify instructional practices to reflect assessment data and how to link all levels of assessment to IFSP/IEP goals and objectives.
- Provide assistance to staff in how to develop, monitor and document IFSP/IEP goals and objectives via assessment information.
- Provide assistance to staff in developing procedures for sharing assessment information and instructional approaches with family members and how to work with families to help them understand and use the Parent Guide to the Standards, including how to work together to facilitate child growth and development.
- Assist staff in linking assessment data with early childhood standards and how to report resulting data.
- Work with program administrators to analyze and use aggregated data related to child standards to make program changes.

In addition, GSEG staff are working to:

- Develop a process for gathering information from key informants about the development and implementation process: what worked, what didn't work.
- Identify processes and strategies that were successful and can be replicated in other settings.
- Disseminate findings from the pilot programs at early childhood conferences across the state.
- Develop materials that provide tips and strategies and disseminate via the Early Childhood Regional Training Centers, First Steps Technical Assistance Teams, and Child Care Resource and Referral Agencies.

Kentucky GSEG is working with the programs to help them design or refine their current assessment system to ensure that: 1) the system is comprehensive and addresses all levels of a continuous assessment system (i.e., screening, diagnostic, classroom/instructional, and program evaluation), 2) the system is viable for children both with and without disabilities, and 3) the system provides data on the extent to which children are meeting the state standards. Data being collected in this Project will be analyzed and will provide direction to First Steps, KDE, Division of Child Care, and other stakeholders about the need to assist programs in providing a continuous assessment system for children and families which will measure child progress.

It is the intent of the state of Kentucky to take what is learned in the GSEG and implement it statewide across Part B, Part C and childcare. KDE, Early Childhood Regional Training Centers, Institutes of Higher Education and Child Care Resource and Referral Agencies will provide the training; technical assistance and dollars to purchase approved instruments to measure child progress in an authentic way that will improve instruction. By improving instruction, child outcomes will improve, and data will be available to provide OSEP with the information it has required.

Baseline Data for FFY 2004 (2004-2005):

Three - Five Year Old Children	Total Number	Percentage
Full-time Early Childhood Regular Program	9341	44.96%
Full-time Early Childhood Special Education Program	1625	7.82%
Part-time Early Childhood Regular/Part-time		
Early Childhood Special Education	9590	46.16%
Home, Residential or Separate School Placement	221	1.06%
Total	12,510	100%

Discussion of Baseline Data:

The Kentucky State-Funded Preschool Program is designed to provide a preschool classroom experience for at-risk four-year-olds and three-and four-year-old children with disabilities (as determined by their IEPs). Over-income children are served in these

classroom settings as space and financial support is available and as determined by the local school LEA. The classroom settings can be found in early childhood centers, elementary buildings, Head Start facilities, and contracted private settings.

The baseline data as stated in the table above reflects the inclusion of three and four-year-old children with disabilities in preschool classrooms across the state. Almost 50% of these children receive the IEP services within the classroom setting. Additionally, another 43% are receiving an educational program within the classroom setting, with some services, most often speech/language services being provided in pull-out sessions. Included in the pull-out model are PT and OT therapies. A very small percentage (9% total) of three and four-year-olds with disabilities receive educational services and therapies in full-time special education programs, at home or in residential or separate school placements.

The goals for establishing the measurable and rigorous targets listed below are:

- Increase the percentage of three and four-year-old children receiving special education services in the full-time early childhood regular program with their speech/language and PT and OT therapies being provided within the classroom setting.
- Decrease the percentage of three and four-year-old children receiving special education services in part-time (most commonly, pull-out sessions) settings.
- Decrease the percentage of three and four-year-old children receiving special education services in full-time special education settings.

In setting the measurable targets KDE worked with two significant groups of stakeholders for input. First the Early Childhood Regional Training Centers were asked to review recent data and reflect upon current resources and capacity to implement the changes. After their input all Preschool Coordinators were sent, via email, the draft response to Indicator #6 and asked for feedback on the proposed targets. They were asked if the targets were obtainable, reasonable, and realistic. After their input the final decision was made.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Increase Full-time Early Childhood Regular Program Participation to 48.67% Decrease Part-time Early Childhood Regular/Part-time Early Childhood Special Education Participation to 42.5% Decrease Full-time Early Childhood Special Education participation to 7.83%
2006 (2006-2007)	Increase Full-time Early Childhood Regular Program Participation to 49.34%

	<p>Decrease Part-time Early Childhood Regular/Part-time Early Childhood Special Education Participation to 42%</p> <p>Decrease Full-time Early Childhood Special Education participation to 7.66%</p>
<p>2007 (2007-2008)</p>	<p>Increase Full-time Early Childhood Regular Program Participation to 50.01%</p> <p>Decrease Part-time Early Childhood Regular/Part-time Early Childhood Special Education Participation to 41.5%</p> <p>Decrease Full-time Early Childhood Special Education participation to 7.52%</p>
<p>2008 (2008-2009)</p>	<p>Increase Full-time Early Childhood Regular Program Participation to 50.68%</p> <p>Decrease Part-time Early Childhood Regular/Part-time Early Childhood Special Education Participation to 41%</p> <p>Decrease Full-time Early Childhood Special Education participation to 7.35%</p>
<p>2009 (2009-2010)</p>	<p>Increase Full-time Early Childhood Regular Program Participation to 51.35%</p> <p>Decrease Part-time Early Childhood Regular/Part-time Early Childhood Special Education Participation to 40.5%</p> <p>Decrease Full-time Early Childhood Special Education participation to 7.18%</p>
<p>2010 (2010-2011)</p>	<p>Increase Full-time Early Childhood Regular Program Participation to 52%</p> <p>Decrease Part-time Early Childhood Regular/Part-time Early Childhood Special Education Participation to 40%</p> <p>Decrease Full-time Early Childhood Special Education participation to 7%</p>

Improvement Activities/Timelines/Resources:

Activities	Timelines	Resources
<p>Division of Early Childhood Development will include inclusion and LRE in meeting topics for Preschool Coordinator Leadership Meetings.</p>	<p>Spring Leadership Meetings – 2006 Fall Leadership Meetings 2006 Continue topic through trainings and discussions (2007-2010).</p>	<p>Early Childhood RTCs, Special Education Cooperatives, KDE</p>
<p>Division of Early Childhood Development will invite therapy providers (e.g. speech therapists, OT, PT) to RTC trainings: Discussion of implementation of special education services being provided within the regular education classroom.</p>	<p>Training and Leadership meetings as established through the RTCs and Co-Ops (2005-2010)</p>	<p>Calendar of Early Childhood RTC and other agency trainings, Early Childhood RTCs, Special Education Cooperatives</p>
<p>Division of Early Childhood Development will establish a process and designation of Centers/Classrooms of Excellence (services for children with disabilities will be full inclusion and LRE within the Centers/Classrooms of Excellence).</p>	<p>Process: 2005-2006 Introduction to Process – Early Childhood Institute: Summer 2006 Identification of Centers and Classrooms of Excellence: 2006-2010</p>	<p>Centers/Classrooms of Excellence Work Group, Early Childhood RTCs, Special Education Cooperatives, School LEAs, KSB/KSD</p>
<p>Division of Early Childhood Development will provide training to Special Education Directors and Preschool Coordinators on inclusion and LRE as well as clarifications on any changes in settings definitions by OSEP.</p>	<p>2005-2010</p>	<p>Early Childhood RTCs, Special Education Cooperatives</p>

Activities	Timelines	Resources
Division of Early Childhood Development will contact Institutions of Higher Education (IHEs) with OT, PT and other special education therapy programs to encourage them to offer coursework, on an elective basis, in integration of children with low-incidence disabilities in regular education settings.	2005-2010	Early Childhood RTCs, Special Education Cooperatives, IHEs, KSB/KSD
Division of Early Childhood Development will provide specific training sessions at the annual Infant and Toddler Institute on integration of special services to young children in the classroom	Fall 2006- 20010	KDE, Early Childhood RTC's, Head Start, IHE's, First Steps, Division of Child Care

State Funded Preschool Follow-Up Study:

The Department of Education has contracted with the University of Kentucky to conduct a study that will track longitudinal progress and development of children who participated in the third party evaluation of the state-funded preschool program. In the early 1990's, a tuition-free statewide program for at-risk preschool children was proposed as part of the landmark Kentucky Education Reform Act (KERA) to provide a comprehensive early childhood educational delivery system for young children in Kentucky. In keeping with the goal of KERA to equalize educational opportunity for all students, the Preschool Program targeted four-year-old children from low-income families and children age three or four with special needs. The Preschool Program was fully implemented in 1991-1992. At the same time, KDE contracted with researchers at the University of Kentucky to evaluate the program, resulting in six evaluation reports from 1992-1997 documenting the progress of 3,528 children, including children who were participants in the preschool program and children who were members of two comparison groups, children who were eligible for participation but did not, and children who did not meet the eligibility requirements. The current study seeks to 1) collect, analyze and evaluate existing data to document the progress of these children, and 2) identify areas for further study.

Using data from the existing data files and documents, Kentucky has the opportunity to investigate longitudinal outcomes of the Kentucky Preschool Program for a sample of children participating in the Kentucky Preschool Program from 1991-1997. This study is particularly timely as the first cohorts have just exited high school and have either entered college or the work force. Later cohorts are now in the 7th – 12th grades.

This study proposes to: 1) retrieve existing data files (both electronic and print) to identify the sample of children who participated in the 1991-1997 evaluation; 2) identify a sub-sample of those children for follow-up; 3) obtain appropriate administrative permission to insure and protect confidentiality of information for this sample; 4) make telephone contacts with appropriate administrative personnel (LEA and school) and onsite record review to retrieve pertinent preliminary information; 5) conduct statistical analysis of data; 6) evaluate existing data; 7) identify gaps in the existing data and potential variables for future analysis; and 8) report findings.

This preliminary follow-up data has the potential to provide important information about the stability of performance gains for preschool program participants and the long-term effectiveness of the Kentucky Preschool Program. In addition to academic, social and literacy outcomes, LEA and student records will be reviewed to retrieve data for 1) attendance; 2) referral to special education services; 3) referral for other services; 4) suspension and expulsions; 5) academic indices (grades and performance on state and national standardized assessments); and 6) any data to document student participation in school and extracurricular activities.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A. Positive social-emotional skills (including social relationships):
 - a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
 - b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
 - c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy)
 - a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
 - b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.

- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

Overview of Issue/Description of System or Process

See Indicator 6 above for demographic and historical information about Kentucky's early childhood system that supports the healthy development of young children and families.

The following section follows a format recommended by the Early Childhood Outcomes Center. The Early Childhood Outcomes Center is a five-year project funded by OSEP. It is a collaborative effort of SRI International, Frank Porter Graham Child Development Institute at UNC-Chapel Hill, Juniper Gardens Children's Project, the National Association of State Directors of Special Education, and the University of Connecticut Health Center.

The outcome measurement system for Kentucky includes:

- Policies and procedures to guide outcome assessment and measurement practices
- Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use

- Quality assurance and monitoring procedures to ensure the accuracy of the outcome data
- Data system elements for outcome data input and maintenance, and outcome data analysis functions

Each of these is described below.

Policies and procedures to guide outcome assessment and measurement practices

Data will be used from evaluations and reevaluations for measuring progress. Relevant policies include:

(1) Evaluation: A full and individualized evaluation of a child's needs must be conducted before any action is taken with respect to the initial placement of a student with a disability in a special education program. Eligibility of children must be determined by using multiple sources of data and must not be dependent upon single test scores. Evaluation procedures may include, but are not limited to, observations, interviews, behavior checklists, structured interactions, play assessment, adaptive and developmental scales, criterion-referenced and norm-referenced instruments, clinical judgment, and tests of basic concepts or other techniques and procedures as deemed appropriate by the professional(s) conducting the evaluations. Observations of the preschool child should be made in his/her natural environment; that is, the setting within the community where preschool children without disabilities usually are found (home, child care, State-Funded Preschool, Head Start, etc.) and must document areas of strength and areas that are the focus of concern. Observations are conducted by one or more of the following: teacher, social worker, program coordinator, or other involved professionals.

Kentucky has developed guidance for all early childhood programs in assessment through the development of the *Kentucky Early Childhood Continuous Assessment Guide*. A “continuous assessment system” is defined as “an assessment process that includes both formal and informal assessments that are conducted on a regular basis, is integrated with instruction at various times, improves learning and helps guide and direct the teaching-learning process, and informs every aspect of instruction and curriculum.” The *Guide* lists recommended appropriate assessment tools in the areas of screening, diagnosis and classroom/instructional strategies. The use of the recommended curriculum-based assessment instruments has been voluntary but will be required as phase-in occurs (see #2). Teachers in all districts will administer curriculum-based assessments for all children in their classes. By the end of the 2005-2006 school year, all districts will report their selection of an approved curriculum-based assessment tool for use as the outcome measurement assessment tool.

The approved classroom/instructional assessment tools have been aligned with the Kentucky Early Childhood Standards and are included in the *Kentucky Early Childhood Continuous Assessment Guide*. Work completed on the GSEG has also aligned the

OSEP Early Childhood Outcomes with the *Kentucky Early Childhood Standards*. This information will be shared with early childhood programs across settings in an addendum to the *Kentucky Early Childhood Continuous Assessment Guide*, which will be posted on the website for downloading, as well as added to training being conducted across the state.

(2) Determination of Needed Evaluation Data: As part of the initial evaluation (if appropriate), the IEP Team and other qualified professionals shall review existing data on the child. This includes evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and observations by teachers and related service providers to determine the present levels of performance and educational needs of the student.

Provisions of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use

Kentucky has five Early Childhood Regional Training Centers (RTCs) which will provide training for providers, administrators and families during the phase-in, in the following areas: using curriculum-based assessments, outcome measurement, reporting data, and interpreting and using data for program improvement. The Kentucky Department of Education, Early Childhood RTCs, the University of Kentucky Training Into Practice Project, GSEG staff and consultants will continue to provide training on related existing modules and develop additional modules as needs are identified. As needed throughout the state, publishers of approved assessment tools will be engaged to provide targeted assessment training. Technical assistance will be provided as follow-up to the regional trainings with on-site visits to support the districts in each region that are phasing in the outcome measurement each year. The phase-in process will use the state's fifteen Area Development Districts (ADD) for identification of participating districts, with all districts reporting by 2010.

Quality assurance and monitoring procedures to ensure the accuracy and completeness of the outcome data

Supporting evidence based on classroom/instructional assessment will be included in all IEP records for use by the ARC team and any additional records review process. Monitoring procedures will be established and implemented so that when IEPs are selected for records review, a review of information used for the outcome ratings is included in the protocol.

Data system elements for outcome data input and maintenance, and outcome data analysis functions

At the state level, Kentucky will develop the capability to aggregate child assessment data from classroom to school to the district level, for the purposes of evaluating child progress based on state early childhood developmental domains/content area standards and OSEP early childhood outcomes. As part of Kentucky's GSEG early

childhood focus, staff are working with publishers of three different approved classroom/instructional instruments to link assessment tools to the *Kentucky Early Childhood Standards*, and measure outcomes. Two of the approved assessment instruments are available on-line and one is currently available only in paper and pencil form. Progress is being made to make that available on disk. The two on-line data management systems will help programs use continuous assessment data to improve instruction and child outcomes, as well as provide a vehicle to aggregate data on a statewide basis to measure child outcomes.

Baseline Data for FFY 2004 (2004-2005):

Baseline data are not available at this time; however, the parameters/strategies for measurement are described below. Input from key stakeholders were sought in the development of this continuous assessment plan over the past few years from multiple sources. First Steps (Part C), Early Childhood Regional Training Centers, Preschool Coordinators, Teachers, Institutes of Higher Education, and the Division of Early Childhood Development and the Division for Exception Children in KDE and Division of Child Care in the Cabinet for Health and Family Services, all had input. The phase-in of the continuous assessment plan and constructing of the plan to measure child progress for Indicator #7 received input from the Early Childhood Regional Training Centers and Preschool Coordinator via email and face-to-face.

Who will be included in the measurement, i.e. what population of children?

All children with IEPs, who are younger than 54 months of age when the first IEP is completed and who receive services for at least 6 months before kindergarten entry, will be included as each district in an Area Development District (ADD) is phased in.

What assessment/measurement tool(s) will be used?

Any tools and methods aligned with Kentucky's evaluation policies (see above) will be used to inform a measurement rating in each of the three outcome areas, to be completed at the state level. Kentucky has been working with the ECO Center and the GSEG on the development and implementation of an outcome measurement system. The districts must choose an approved assessment tool and begin to plan for professional development on that instrument by the end of the 2005-2006 school year.

All districts will continue to collect data that will be reported on the KCMP document. Currently each district provides KDE with progress data on 10% of the children with a disability, reporting on not less than 10 children and not more than 50 children. When KDE is monitoring districts, a roster of children in their programs with each category of disability is sent to KDE. KDE then chooses a representative sample of 10% of the participating children. Children in all categories are included in the 10%. The district then reviews the selected children's files for documentation that the child has or has not made progress. The OSEP child outcomes, with descriptions of each child's level of functioning in relation to typically developing peers, will be reported as each ADD is phased in.

Who will conduct the assessments?

Teachers, teacher assistants, parents, and auxiliary staff (Speech/OT/PT etc.) will observe children in their natural environments and record data about specific children. Teachers and in some cases, teacher assistants, will receive the data from multiple sources and request data from parents and auxiliary staff to get a comprehensive picture of the child's knowledge and skills. Teachers and in some cases, teacher assistants, will enter the observation data into the Kentucky Early Childhood Data System (KEDS) platform. Data might be entered on a daily basis, but certainly on a weekly basis to provide continuous assessment. The KEDS platform will link the items on the approved instrument with the Kentucky Early Childhood Standards to inform and improve instruction over the school year.

When will measurement occur?

Two data points will be provided to school districts when child data will be downloaded and analyzed for child progress in the three OSEP Early Childhood Outcomes. The KEDS data platform will give each child a rating of a, b, or c, and aggregate that data by program, district, school, and by state.

Who will report data to whom, in what form, and how often?

Until complete development of the KEDS data platform system for measurement, outcome-rating scores will be entered into the KCMP database as part of the IEP screen. The data system has a security access system that limits access to individual child data to appropriate personnel. Once the KEDS data platform has been established, classroom teachers will enter relevant child data on a regular, continuous basis.

How will data be analyzed?

The outcome data from the first data point will be matched to exit outcome ratings for individual children. At the state level, analysis of matched scores will yield for each of the three outcomes:

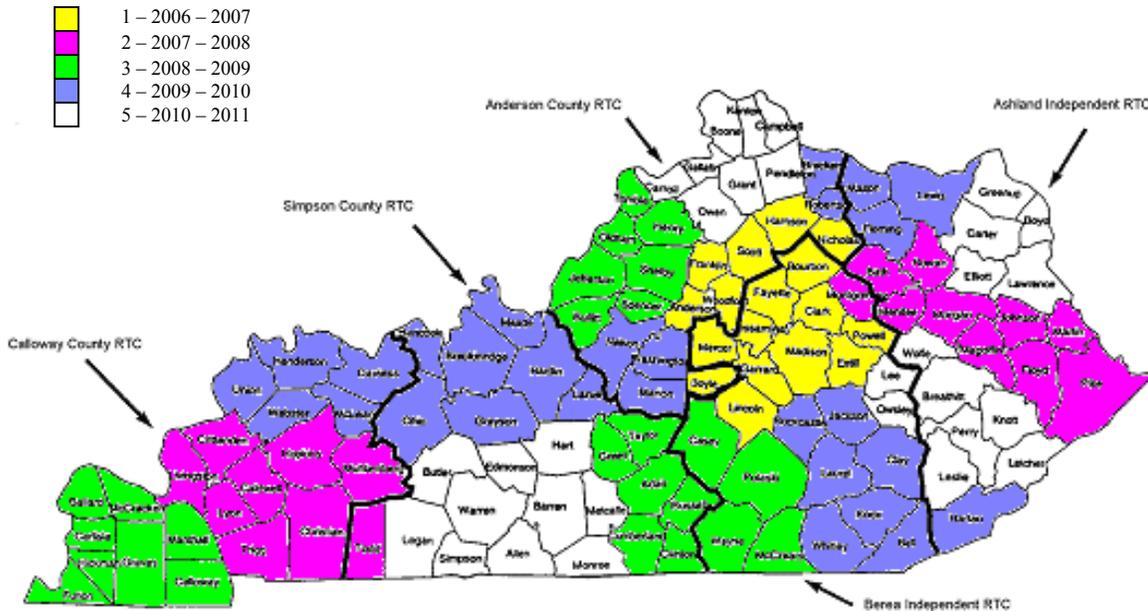
- a) Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers (categorized as **a**).
- b) Percent of preschool children who improved functioning: Children with higher ratings at exit or who do not have increased rating scores, but who the team decides have made progress, based on available data (categorized as **b**).
- c) Percent of preschool children who did not improve functioning: Children who do not have increased rating scores, and who the team decides have not made progress, based on available data (categorized as **c**).

In addition, the state will analyze by district and state the mean and distribution of the entry status of children, exit status, and percentages of children who increased ratings from entry to exit (moved nearer to typical development).

FFY	Data Collection Plan
<p>2005 (2005-2006)</p>	<p>All districts will continue to report progress data as currently collected and reported on the KCMP document.</p> <p>All school districts will select and report to KDE an approved curriculum-based assessment by the end of the school year.</p> <p>The first Area Development District (ADD) to be phased in will begin to receive training for staff in the new process. (See Table 1 Area Development Districts Phase-In Map)</p>
<p>2006 (2006-2007)</p>	<p>Baseline data will be collected.</p> <p>Targets will be set based on the collection of baseline data.</p> <p>The first phase-in districts within the Bluegrass ADD will report outcome data.</p> <p>The Bluegrass, Big Sandy, Gateway, and Pennyrile ADDs will be provided technical assistance, support and training.</p>
<p>2007 (2007-2008)</p>	<p>Three additional ADDs will be provided technical assistance, support, training, and will provide outcome data.</p> <p>Entry and exit data will be reported for children who entered in 2005-2006 and exited 2006-2007 and were in the program at least six months. The report will consist of (a) % of children who reach or maintain functioning at level comparable to same age peers, (b) % of children who improve functioning (not included in a), and (c) % of children who do not improve functioning. Targets will be compared and adjusted as needed.</p> <p>The Lake Cumberland, KIPDA, and Purchase ADDs will be provided technical assistance, support and training.</p>

<p>2008 (2008-2009)</p>	<p>Three additional ADDs will be provided technical assistance, support, training, and will provide outcome data.</p> <p>Entry and exit data will be reported for children who entered in 2007-2008 and exited 2008-2009 and were in the program at least six months. The report will consist of (a) % of children who reach or maintain functioning at level comparable to same age peers, (b) % of children who improve functioning (not included in a), and (c) % of children who do not improve functioning.</p> <p>KDE will report on LEA program performance for all participating ADDs. Targets will be compared and adjusted as needed.</p> <p>Cumberland Valley, Buffalo Trace, Lincoln Trail, and Green River ADDs will be provided technical assistance, support and training.</p>
<p>2009 (2009-2010)</p>	<p>Four additional ADDs will be provided technical assistance, support, training, and will provide outcome data.</p> <p>Entry and exit data will be reported for children who entered in 2008-2009 and exited 2009-2010 and were in the program at least six months. The report will consist of (a) % of children who reach or maintain functioning at level comparable to same age peers, (b) % of children who improve functioning (not included in a), and (c) % of children who do not improve functioning.</p> <p>KDE will report on LEA program performance for all participating ADDs. Targets will be compared and adjusted as needed.</p> <p>Kentucky River, Northern Kentucky, Barren River, and FIVCO will be provided technical assistance, support and training.</p>
<p>2010 (2010-2011)</p>	<p>Four additional ADDs will be provided technical assistance, support, training, and will provide outcome data.</p> <p>Entry and exit data will be reported for children who entered in 2009-2010 and exited 2010-2011 and were in the program at least six months. The report will consist of (a) % of children who reach or maintain functioning at level comparable to same age peers, (b) % of children who improve functioning (not included in a), and (c) % of children who do not improve functioning.</p> <p>KDE will report on LEA program performance for all participating ADDs. Targets will be compared and adjusted as needed.</p>

Table 1: Area Development Districts Phase-In Map



Data Collection Activities:

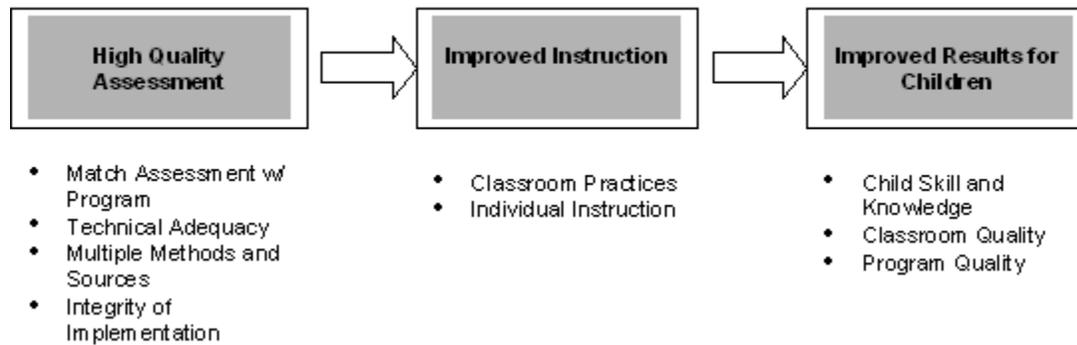
Activities and timelines have been described above. As more information becomes available through the collection of data, any adjustments will be made. Resources include GSEG, KCMP work group, platform designers, and Division of Exceptional Children staff including the Data Manager, National Early Childhood Transition Center (NECTC) and Early Childhood Outcomes Center (ECO Center). KDE will construct the KEDS platform to fully implement the phase-in plan. To support this activity, a Steppingstones of Technology Innovation For Children With Disabilities Grant has been submitted.

Steppingstones of Technology Innovation For Children With Disabilities Grant Submitted

The Human Development Institute (IHDI) at the University of Kentucky, in partnership with the Kentucky Department of Education (KDE) and the Cabinet for Health and Family Services (Part C), plan to develop and pilot a universal data platform, the Kentucky Early Childhood Data System (KEDS), April 2006-March 2008. Established collaborations between IHDI, KDE, Part C, publishers, pilot sites, and key stakeholders will expand through KEDS to improve services for young children with disabilities in Kentucky. KEDS will allow teachers to input data from high-quality continuous assessments to a universal data platform which will analyze data and provide data at the district and state levels, identifying the extent to which children are meeting state standards and OSEP early childhood outcomes, in order to improve the results of

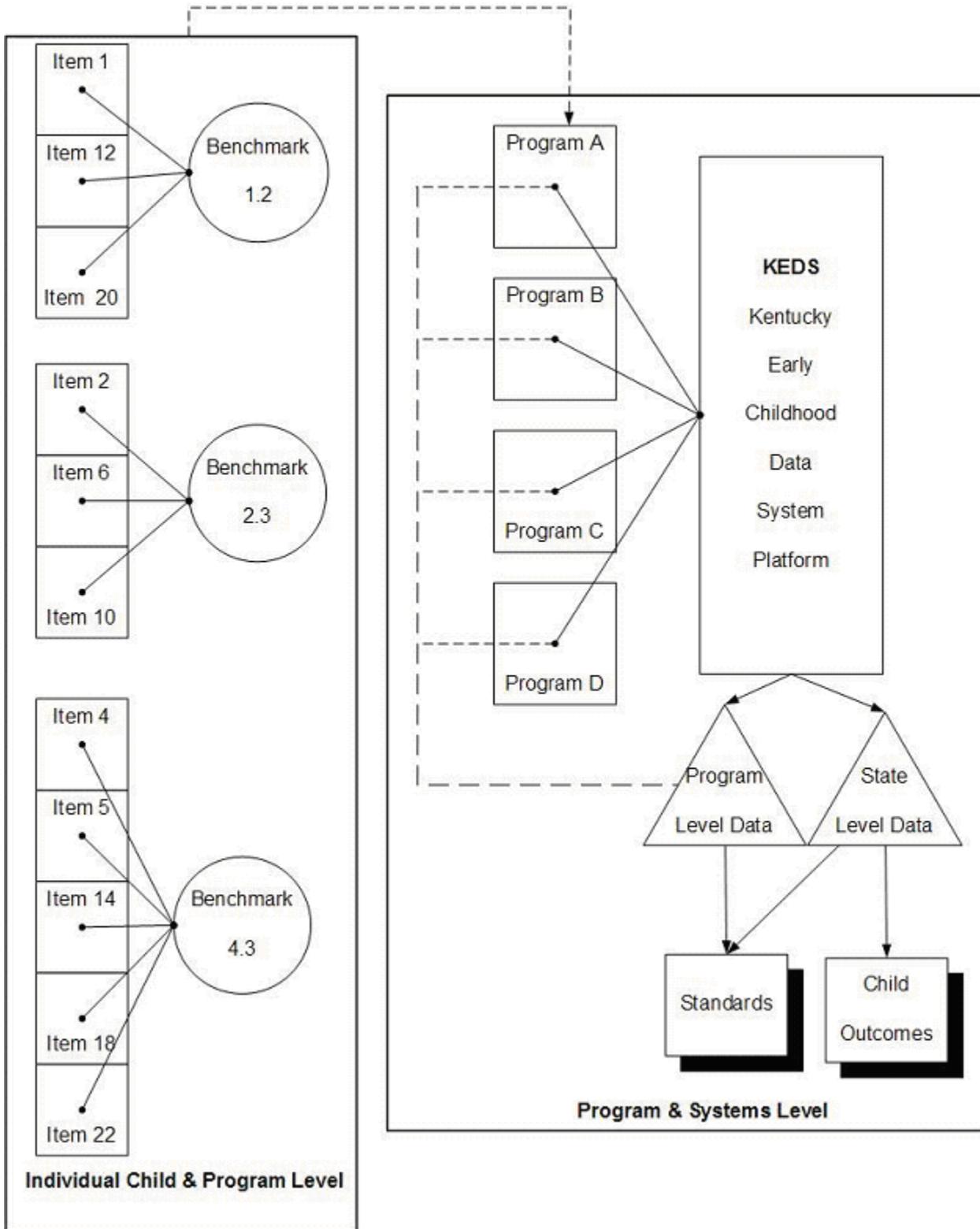
assessment, early intervention, and education for young children with disabilities. (See Figure 1: KEDS Conceptual Framework)

Figure 1: KEDS Conceptual Framework



KEDS will develop a universal data platform based on the input of assessment data from widely recognized instruments from which items have been aligned with *Kentucky Early Childhood Standards* and benchmarks. The standards and benchmarks have been aligned, in turn, with the three OSEP early childhood outcomes. KEDS includes four objectives through two phases of development. In the first phase of design and development, objective one is the determination of the criteria for the data platform by the Assessment Specialists on the Design Team. Objective two is the development of the universal data platform by the Technology Specialists on the Design Team, based on collaborations with publishers of each of the tools. In phase two, piloting and refining of the data platform will occur. Objective three is the piloting of the platform at representative early childhood sites, including early intervention and Kentucky Preschool sites. Objective four is the refinement of the platform based on usability, functionality, and accessibility. The resultant platform will provide data at the classroom, program, district, and state levels to support instructional and program changes for the improvement of instruction of young children with disabilities. (See Figure 2: Individual, Program and System Level Alignment)

Figure 2: Individual, Program and Systems Level Alignment



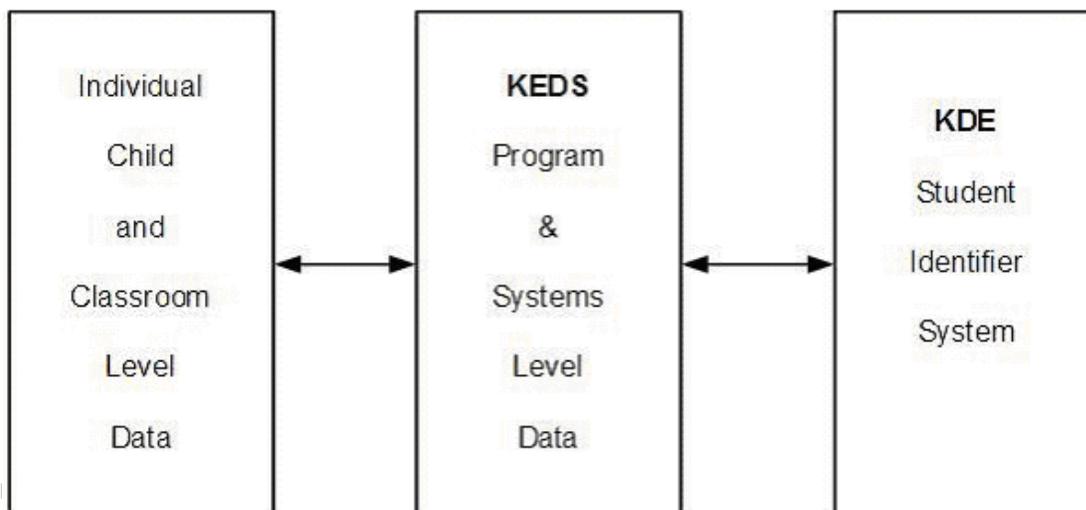
The entire KEDS system is illustrated in the figure below. Data collection begins with the entry of individual assessment data items and their correlations with benchmarks at the program level. Benchmark data from many programs (e.g. Part C and Part B programs) are then correlated, within the KEDS platform, to standards and to OSEP early childhood outcomes. The KEDS system will then link with the KDE Longitudinal Unique Statewide Student Identifier System, Student Data Base as presented in Figure 3: Link Between KEDS and KDE Student Identifier System.

The creation of a universal data platform through which the education for young children with special needs can be measured facilitates the use of continuous, authentic assessment and meaningful accountability. As programs are required to report outcomes data, a responsive system needs to be in place to quickly gather and aggregate data. Programs will be motivated to use KEDS to demonstrate their progress, to meet accountability guidelines, and to find best practices for their children with special needs. (See Figure 3)

It is essential that Kentucky continue this pioneering work in the best practice for measurement and accountability of young children with special needs. Kentucky has built strong partnerships with key stakeholders who support KEDS including KDE, the Cabinet for Health and Family Services, the National Early Childhood Center, STI, the Early Childhood Regional Training Centers, the Interagency Coordinating Council, and the University of Kentucky. All of these agencies advocate for the statewide implementation of KEDS.

KDE, along with other Kentucky early childhood program providers and stakeholders, intends to have a system in place that will improve instruction for all children by providing a comprehensive system of training and technical assistance that will improve instruction for all children, thus improving child outcomes for all children, and beginning to close the achievement gap.

Figure 3: Link Between KEDS and KDE Student Identifier System



Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.

Overview of Issue/Description of System or Process:

Kentucky has collected parent information from the Parent Resource Centers (PRCs) since their inception in 1987. The data includes numbers of parent trainings conducted and numbers of parents contacted.

In order to align with the OSEP APR, the 2004 KCMP was revised to include LEA data on parent participation in ARC meetings and LEA dissemination of special education information to parents (see KCMP PI 1.1 and PI 2.1).

In order to comply with the new 2005 SPP indicator, DECS will develop and disseminate a Request for Proposal (RFP) in order to select an appropriate agency to collect statewide parent survey data related to the number and percent of parents reporting schools that facilitate parent involvement as a means of improving services and results for children and youth with disabilities. DECS will collect baseline data for Indicator 8 in FFY 2005-2006 using the survey instrument developed by NCSEAM.

Kentucky Special Parent Involvement Network, Inc. (KY-SPIN) is funded by the U.S. Department of Education and is Kentucky's Parent Training and Information (PTI) Project. KY-SPIN will assist DECS in distributing information about the parent survey process. KY-SPIN provides training, information and support to parents and families through a "Families Training Families" model. KY-SPIN also publishes a quarterly newsletter, the *SPINNING WHEEL*, and has a network for disseminating information to

parents. Additionally, DECS will utilize the United Parents In Kentucky listserv to share the survey information.

Baseline Data for FFY 2004 (2004-2005):

Once the survey data is collected and analyzed, baseline data for FFY 2005-2006 will be established, and targets will be provided in the APR due February 1, 2007.

Discussion of Baseline Data:

Since this indicator is new, baseline data and targets will be provided in the APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Since this indicator is new, measurable and rigorous targets will be provided in the 2007 APR.
2006 (2006-2007)	Since this indicator is new, measurable and rigorous targets will be provided in the 2007 APR.
2007 (2007-2008)	Since this indicator is new, measurable and rigorous targets will be provided in the 2007 APR.
2008 (2008-2009)	Since this indicator is new, measurable and rigorous targets will be provided in the 2007 APR.
2009 (2009-2010)	Since this indicator is new, measurable and rigorous targets will be provided in the 2007 APR.
2010 (2010-2011)	Since this indicator is new, measurable and rigorous targets will be provided in the 2007 APR.

Improvement Activities/Timelines/Resources:

Since this indicator is new, improvement activities will be provided in the 2007 APR.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State’s definition of “disproportionate representation.”

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Overview of Issue/Description of System or Process:

Beginning in the FFY 2005-2006, the Kentucky Department of Education will use the risk ratio method, applied to overall disability counts at the statewide and local district levels to gather baseline data to determine, “What is a specific racial/ethnic group’s risk of receiving special education and related services as compared to the risk for all other students?”

The equation for the risk ratio will be:

Risk ratio = Risk for racial/ethnic group for placement in special education / Risk for comparison group for placement in special education

$$X = \frac{\text{Ethnic group risk}}{\text{Comparison group risk}}$$

DECS will establish a process for deciding whether the disproportionate representation of racial/ethnic groups in special education is the result of inappropriate identification by the LEA. The process will include the following steps:

1. For LEAs with significant sample size for minority populations, data on disproportionate representation in specific categories of disabilities will be collected annually.

For LEAs that do not have significant minority populations, KDE will collect data longitudinally through the 618 data collection process. KDE will collect the data for two years. At the end of the second year, DECS will analyze the data and identify LEAs whose data for two consecutive years indicate that the LEA has disproportionate representation of racial/ethnic groups in special education.

2. DECS will contact LEAs that have data indicating disproportionate representation in special education. Part of the inquiry will consist of whether there are reasons other than inappropriate identification that may have resulted in the disproportionate representation. If the LEA demonstrates that, based on individualized circumstances, the data does not result from inappropriate identification, DECS will take no additional action.
3. For the remainder of the LEAs that do not have individualized circumstances explaining the data as described in Step #2, DECS will notify them to submit their local policies and procedures and evaluation instruments and materials to DECS for review. DECS will review the LEAs' procedures related to the availability and use of early intervening services, the selection and use of evaluation instruments and materials, the selection and use of evaluation criteria, and the reasons for referral for special education evaluations.

Note: Kentucky will be revising its monitoring system in the upcoming FFY. If disproportionate representation is identified as an area of focused monitoring by DECS' stakeholders, DECS will make on-site visits to LEAs that have two years of data indicating disproportionate representation. During the on-site visit, DECS consultants will examine the due process folders of minority students within the LEA identified as special education students.

If disproportionate representation by disability category is not identified as an area of focused monitoring in the revised monitoring system, LEAs whose data are not statistically significant shall be required to submit the due process folders of the minority students identified as special education students. For districts whose data are statistically valid, DECS will make on-site visits and examine the due process folders of minority students identified as special education students by the LEA.

Upon DECS’ finding that a LEA has inappropriately identified and placed minority students in special education, DECS shall notify LEAs of the noncompliance. The LEA shall be required to develop a Corrective Action Plan that will remedy the problem within one year from the date of notification. Within one year, DECS will verify that the action the LEA has taken has rectified the noncompliance. DECS will require LEAs with disproportionate representation to spend 15% of their Part B funds on comprehensive, coordinated early intervening services for general education students. The 2004 IDEA Reauthorization requires KDE to take this action so students will not be inappropriately identified and placed in special education.

Technical assistance will be provided to the LEA in conjunction with other KDE divisions in addressing the root causes that contribute to the disproportionate representation of minority students in special education. The specific activities will be submitted to OSEP in KDE’s 2007 APR, after the baseline is established.

Discussion of Baseline Data:

Because this is a new indicator, discussion of baseline data is not applicable at this time.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0%.
2006 (2006-2007)	The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0%.
2007 (2007-2008)	The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0%.
2008 (2008-2009)	The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0%.

<p>2009 (2009-2010)</p>	<p>The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0%.</p>
<p>2010 (2010-2011)</p>	<p>The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be 0%.</p>

Improvement Activities/Timelines/Resources:

Improvement activities, timelines, and resources needed to achieve goals will be developed once baseline data is available.

Part B State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development: See Page 1.****Monitoring Priority: Disproportionality**

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Overview of Issue/Description of System or Process:

In 2003, DECS began the process of revising its monitoring instrument, the KCMP, to align with the OSEP indicators set forth in the 2004 APR. Prior to this, KDE did not monitor LEAs in the area of disproportionate representation and disability category resulting from inappropriate identification.

The disproportionality indicator in the 2004 APR and the revised KCMP measured the following:

- "For each disability category, the percentage of children by race/ethnicity is not significantly disproportionate to the percentage of children by race/ethnicity in the District's general student enrollment." KCMP Probe FAPE 1.2
- Beginning in the 2005-2006 school year, the Kentucky Department of Education will use the risk ratio method as described in technical assistance documents by the OSEP TA&D network.
- Beginning in the 2005-2006 school year, the Kentucky Department of Education will use the risk ratio method, applied to overall disability counts at the statewide and local district levels to gather baseline data to address this indicator.

The equation for the risk ratio will be:

Risk ratio = Risk for racial/ethnic group for placement in special education / Risk for comparison group for placement in special education

$$X = \frac{\text{Ethnic group risk}}{\text{Comparison group risk}}$$

DECS will establish a process for deciding whether the disproportionate representation by race/ethnicity in a specific category is the result of inappropriate identification by the LEA. The process will include the following steps:

2. For LEAs with significant sample size for minority populations, the data on disproportionate representation in specific categories of disabilities will be collected annually. For LEAs that do not have significant minority populations, KDE will collect data longitudinally through the 618 data collection process. KDE will collect the data for two years. At the end of the second year, DECS will analyze the data and identify LEAs whose data for two consecutive years indicate that the LEA has disproportionate representation in specific categories of disability.
3. DECS will contact LEAs that have data indicating disproportionate representation by specific disability category. Part of the inquiry will consist of determining reasons other than inappropriate identification that may have resulted in the disproportionate representation. If the LEA demonstrates that, based on individualized circumstances, the data does not result from inappropriate identification, DECS will take no additional action.
4. For the remainder of the LEAs that do not have individualized circumstances explaining the data as described in Step #2, DECS will notify them to submit their local policies and procedures and evaluation instruments and materials to DECS for review. DECS will review the LEAs' procedures related to the availability and use of early intervening services, the selection and use of evaluation instruments and materials, the selection and use of evaluation criteria, and the reasons for referral for special education evaluations.

Note: Kentucky will be revising its monitoring system in FFY 2006. If disproportionate representation in specific categories of disabilities is identified as an area of focused monitoring by DECS' stakeholders, DECS will make on-site visits to LEAs that have data indicating disproportionate representation. During the on-site visit, DECS consultants will examine the due process folders of minority students within the LEA identified as special education students.

If disproportionate representation by specific disability category is not identified as an area of focused monitoring in the revised monitoring system, LEAs whose data are not statistically significant shall be required to submit the due process folders of the minority students identified as special education students. For districts whose data are statistically valid, DECS will make on-site visits and examine the due process folders of minority students identified as special education students by the LEA.

Upon DECS’ finding that a LEA has inappropriately placed minority students in specific disability categories, DECS shall notify LEAs of the noncompliance. The LEA shall be required to develop a Corrective Action Plan that will remedy the problem within one year from the date of notification. Within one year, DECS will verify that the action the LEA has taken has rectified the noncompliance. DECS will require LEAs with disproportionate representation to spend 15% of their Part B funds on comprehensive, coordinated early intervening services for general education students. The 2004 IDEA Reauthorization requires KDE to take this action so students will not be inappropriately identified and placed in special education.

Technical assistance will be provided to the LEA in conjunction with other KDE divisions in addressing the root causes that contribute to the disproportionate representation of minority students in special education. The specific activities will be submitted to OSEP in KDE’s 2007 APR, after the baseline is established.

Baseline Data for FFY 2004 (2004-2005):

Because this is a new indicator, baseline data is not available.

Discussion of Baseline Data:

Because this is a new indicator, baseline data is not available.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0%.

FFY	Measurable and Rigorous Target
2006 (2006-2007)	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0%.
2007 (2007-2008)	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0%.
2008 (2008-2009)	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0%.
2009 (2009-2010)	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0%.
2010 (2010-2011)	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be 0%.

Improvement Activities/Timelines/Resources:

Improvement activities, timelines, and resources needed to achieve goals will be developed once baseline data is available.

Part B State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development: See Page 1.****Monitoring Priority: Effective General Supervision Part B / Child Find**

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or state established timeline).

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

Percent = b + c divided by a times 100.

Overview of Issue/Description of System or Process:**Background and State Timeline**

707 KAR 1:320 Section 2 of the Kentucky Administrative Regulations for Special Education programs, promulgated in September 2000 states:

A LEA shall ensure that within sixty (60) school days following the receipt of the parental consent for an initial evaluation of a child: (a) the child will be evaluated; and (b) if the child is eligible, specially designed instruction and related services will be provided in accordance with the IEP.

Based upon a review of trend data collected from LEA monitoring over a four-year period of time, Kentucky has historically had a high rate of compliance in this area. From FFY 1995-96 through 1998-99 Kentucky had a strictly compliance monitoring system that measured compliance via 272 indicators, including parental consent and timeliness of evaluations. During FFY 1999-2000, compliance data collected from the monitoring activities of the previous 4 years was rank ordered by indicator in order to determine the indicators with the highest rate of non-compliance. LEAs were monitored by DECS during that school year by conducting a desk audit reviewing LEA data on the

25 indicators with the highest rates of non-compliance. No indicators related to parental consent and conducting evaluations within established timelines were reviewed that year, because they fell near the bottom of the list of the rank-ordered indicators previously described.

KCMP data collected from 2001 through 2003 included data on parental consent and timeliness of evaluations that indicated a high rate of compliance, though this analysis was based on qualitative data. Data on parental consent and the 60 school day timeline was not collected through the KCMP process during FFY 2003-04. However, record reviews conducted during 10 on-site monitoring visits to LEAs during FFY 2004-05 revealed evaluations were consistent with the 60 school day timeline in all visited LEAs. In order to ensure compliance is maintained in these areas, on-site visits scheduled for FFY 2005-2006 will continue to address the issue of parental consent and timely completion of evaluations as KDE continues the transition of its monitoring system to a truly focused monitoring system. However, the revisions to the KDE monitoring system will impact DECS' ability to collect baseline data on this indicator until the end of FFY 2006.

In addition a compliance record review form has been created and distributed to all LEAs by the co-ops that will enable LEAs to self-monitor their rate of compliance in this area as well.

BASELINE and DATA COLLECTION

Kentucky's current student level data collection system known as STI/SETS collects data on parental consent and timeliness for both initial evaluations and reevaluations. However, these are currently not "required fields" on the STI/SETS data collection form. Consequently, there is no statewide data available at this time.

The STI/SETS system is updated periodically. It is KDE's plan to require LEAs to add the parental consent and timeliness of evaluations components as mandatory data fields for STI/SETS beginning with FFY 2006-07.

Baseline Data for FFY 2004 (2004-2005)

Since there is currently no state requirement that LEAs collect this data through STI/SETS, baseline data will not be available until the end of FFY 2006 (2006-2007). The delay in having baseline data available is due to the process required for changes to be implemented in the statewide student data system, including input from a stakeholder group and final approval by KDE leadership.

Discussion of Baseline Data:

No baseline data available.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Develop and implement methods for collecting and analyzing baseline data. For the 12 LEA on-site visits, 100% of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days.
2006 (2006-2007)	100% of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days.
2007 (2007-2008)	100% of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days.
2008 (2008-2009)	100% of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days.
2009 (2009-2010)	100% of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days.
2010 (2010-2011)	100% of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days.

Improvement Activities/Timelines/Resources:

Improvement activities will be developed and implemented upon analysis of baseline data available for FFY 2006-2007.

Part B State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development: See Page 1.****Monitoring Priority: Effective General Supervision Part B / Effective Transition**

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

Account for children included in a but not included in b or c. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.

Percent = c divided by a – b times 100.

Overview of Issue/Description of System or Process:**A. Historical Background**

The Kentucky Department of Education in collaboration with First Steps (Part C) has funded the Kentucky Early Childhood Transition Project (KECTP) for many years. The Kentucky Early Childhood Transition Project focuses on transition “evidence based practice” and on the interagency process of transition systems development. The activities of KECTP include: Training and Support on Transition Issues to Communities Across the State; Coordination of Sites and State Transition Activities; Coordination of Training and Resource Dissemination; and provision of Material and Resources.

The Training and Support on Transition Issues to Communities Across the State include providing in-depth training and technical assistance needed to implement the model of transition. Training is offered at the community level and is designed in collaboration with each community, based on a self-assessment completed by each community team.

Leadership Training is provided for State Interagency Coordinating Council (ICC) members, local Interagency Councils, Community Early Childhood Councils, District Early Intervention Council (DEIC) members and other State, Regional, and local interested teams on leadership skills. KECTP staff also provide ongoing training on assessing and facilitating social, behavioral and functional skills using the Helpful Entry Level Skills Checklist (HELPS), Functional Assessment on Behavioral and Social Supports (FABSS), and accompanying materials. KECTP staff also provide ongoing technical assistance for administrators from early intervention, local education agencies (preschool & first level primary), Head Start, Child Care programs, families and others on developing interagency agreements at the local level.

KECTP also works to increase the awareness across the state on issues, policies, procedures, law, and regulations that impact early childhood transitions. This awareness includes transition recommended practices/regional needs through the Early Childhood Regional Training Centers, Head Start Disability Specialists Training Coordinators, Early Intervention Technical Assistance Teams, and Parent Training Networks.

KECTP provides an online resource for families and professionals that includes information about transition and recommended practices, legal requirements, products developed by the Project such as *Families and the Transition Process: Primary Style* and *Step by Step: A Guide to Preschool Services*.

In January 2001, Kentucky's governor spearheaded efforts of public, private and community representatives in addressing early childhood transition by issuing an invitation to representatives of early childhood services around the state to an Early Childhood Transition Summit. This work resulted in the release of *Transition in Early Childhood* in June 2005. Implementation of this document's recommendations will result in the following outcomes for young children and their families:

- Greater public and professional awareness of the need for transition planning;
- Establishment of transition supports and resources;
- Guided development of state policy related to transition;
- Increased recognition of recommended practices in transition;
- Increased family involvement in the transition process; and
- Increased number of successful transitions for children and their families.

State and regional level teams have been established to address transition issues and move the *Transition in Early Childhood* document forward, thus improving outcomes. Partners involved include:

- Cabinet for Health and Family Services
- Family Resource/Youth Services Centers
- First Steps – Kentucky Early Intervention System

- HANDS Home Visitation Program
- Division of Child Care
- Commission for Children with Special Health Care Needs
- Early Childhood Mental Health Specialists
- Kentucky Department of Education
- Early Childhood Regional Training Centers
- Head Start Collaboration Office
- School Districts
- Kentucky Early Childhood Transition Project
- Institutes of Higher Education
- National Early Childhood Transition Center
- Child Care Resource and Referral Agencies
- Head Start
- Child Care Centers

Kentucky is fortunate to have the National Early Childhood Transition Center located at the University of Kentucky. The National Early Childhood Transition Center funded through the US Department of Education, Office of Special Education Programs works to examine factors that promote successful transitions between infant/toddler programs, preschool programs, and public school programs for young children with disabilities and their families. Their resources are invaluable to moving Kentucky forward.

Most recently a collaborative effort has launched a transition one-stop website at www.transitiononestop.org. Collaboration agencies are the University of Kentucky, Human Development Institute; The Commission for Children with Special Health Care Needs; and the Kentucky Department of Education, Division of Exceptional Children, Special Education Cooperative Network. This website will provide information related to the many transitions individuals and families encounter across the life span.

Baseline Data for FFY 2004 (2004-2005):

At this point in time, KDE does not collect all of the data set forth in the Measurement for Indicator 12. Currently the data that KDE collects is as follows:

Under the General Supervision Enhancement Grant (GSEG), KDE has access to the following data from First Steps, Kentucky's Part C program.

First Steps (KEIS) reports that for 2004-2005:

1,760 children exited Part C being Part B eligible.

56 children were not eligible for Part B, and exited to other programs

98 children were not eligible for Part B and exited with no referrals

A total of 1914 children were referred from Part C to Part B

Kentucky Early Intervention System (KEIS) does not report whether the 1760 children found eligible for Part B had eligibility determined and IEPs in place by their third birthdays

The data from the 2005 KCMP shows that in 2003-2004, 1,176 records of preschool students were reviewed. 79.34% (929) of the records indicated that children eligible for Part B services were evaluated and had an IEP in place by their third birthday. The data from the KCMP is not an all-inclusive count of the number of children exiting Part C to B. All districts conduct reviews of 10% of student files, with a maximum of 50 files reviewed. In developing this sampling strategy, DECS received technical assistance from the OSEP TA&D network to ensure that the sample was valid and representative.

Using the 79.34% rate of compliance from the KCMP, the number of children found eligible who have an IEP developed and implemented by their third birthday is approximately 1530 students out of a total of 1914 children referred from Part C to B (KEIS data).

KDE does not currently collect the data requested in b of the Measurement, i.e., the number of children referred to Part B determined to be not eligible and whose eligibilities were determined prior to their third birthday.

Data Collection Plan:

DECS is requesting a modification to Kentucky's current student information system in order to add a field to identify students who received services under Part C. This data field will be the student number assigned to the student by Part C's Data Management System operated by the Central Billing Information System (CBIS). Currently the existing data program for Kentucky schools already has the enrollment date and beginning and ending dates for IEPs. Querying the database for those students who have a Part C student number will then enable KDE to determine the number of those students who entered school and whether or not they were evaluated and determined to be eligible for Part B services. The program will also be able to produce a report as to the number of students who received Part C services who were receiving services from Part B on their 3rd birthday.

DECS is working with the Part C lead agency to provide local school districts information on students in the Part C program who are 30 months or older on a quarterly basis so that school districts can begin to locate and evaluate these children for Part B eligibility. Upon receipt of the information that a child living in their district is receiving Part C services, a local district will create a special education folder in the state's student information system. This system documents the status of the student from referral through exiting the special education program.

Discussion of Baseline Data:

The second early childhood component of the GSEG (first component addressed in Indicator #7) addresses the development of a coordinated data management system that supports the transition process. Currently this transition is dependent on the extent to which Part C Primary Service Coordinators provide families with information about available Part B services, inform the school districts of potential students, and report on successful transitions via the Central Billing and Information System (CBIS). Part B and Part C do not share a common student identifier, making it difficult to evaluate how well the state has performed in improving the transition success of children between Part C and Part B.

The original GSEG plan was to add fields to KDE’s unique student identifier system. It was determined after the project began that this was not going to be a possibility. Until it will be possible to work on merging data systems, Part C (CBIS) personnel are developing files on a monthly basis and sending to KDE. The list includes a basic listing of pertinent demographic information for children between 30-36 months of age.

FFY 2004 was the first year that Part B and C met and developed a plan to share data to facilitate smooth transitions for students and families from Part C to B. While this is the first year that data has been shared across systems, we believe that this is a good start to tracking and improving the number of children that experience a smooth transition. The collaborative team of Part C and Part B staff will use data to guide professional development and improve transition numbers. The existence of the collaborative team will allow the revision and refinement of the system.

It is opportune that KDE has recently released an RFP to refine the student identifier system. This provides the opportunity to make sure that data for children coming from Part C is easily transferred into the KDE data system. This will also allow KDE to track child progress across their educational experiences.

Once information is received by KDE, districts are notified so they can begin the transition process, if it hasn’t already begun. To date KDE has received much positive feedback from local school districts receiving this information and are excited that as a result, more children with disabilities who were served in Part C will be receiving needed services under Part B by their 3rd birthday.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of Part B eligible children referred by Part C have an IEP developed and implemented by their third birthday
2006 (2006-2007)	100% of Part B eligible children referred by Part C have an IEP developed and implemented by their third birthday

FFY	Measurable and Rigorous Target
2007 (2007-2008)	100% of Part B eligible children referred by Part C have an IEP developed and implemented by their third birthday
2008 (2008-2009)	100% of Part B eligible children referred by Part C have an IEP developed and implemented by their third birthday
2009 (2009-2010)	100% of Part B eligible children referred by Part C have an IEP developed and implemented by their third birthday
2010 (2010-2011)	100% of Part B eligible children referred by Part C have an IEP developed and implemented by their third birthday

Improvement Activities/Timelines/Resources:

Activities	Timelines	Resources
DECS will continue work on the GSEG and work to merge Part C and Part B data systems.	December 2005 and on-going	GSEG, Part C
DECS will continue to fund KECTP to work with local and regional districts and stakeholders.	December 2005 and on-going	KECTP, Part C, Community Early Childhood Councils, Co-Ops, Early Childhood Regional Training Centers
DECS will require all LEAs to provide transition data through the KCMP.	December 2005 and on-going	LEAs, Teachers, Special Education Coordinators
Division of Early Childhood Development will address transition issues at fall and spring Leadership Meetings	Spring & Fall 2006 and on-going	Early Childhood RTC's

Activities	Timelines	Resources
Division of Early Childhood Development will provide transition training at the annual Early Childhood Institute	June 2006 and on-going	Early Childhood RTC's, KECTP
Division of Early Childhood Development will provide transition training at the annual Infant and Toddler Institute	August 2006 and on-going	KECTP, University of Kentucky
Division of Early Childhood Development will provide transition training at the annual Early Childhood Education Institute	October 2006 and on-going	KECTP, Kentucky Association for Early Childhood Education

Part B State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development: See Page 1.****Monitoring Priority:** Effective General Supervision Part B / Effective Transition

Indicator – 13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.

Measurement: $\% = \frac{\# \text{ of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals}}{\# \text{ of youth with an IEP aged 16 and above}} \times 100$.

Overview of Issue/Description of System or Process:

Since this is a new indicator, data to document its implementation was not collected during 2004-2005. In order to collect this data for 2005-2006 (to be reported in the 2005 APR due February 1, 2007), Kentucky will add this indicator to its priority indicators included in the 2005-2006 Kentucky Continuous Monitoring Process (KCMP). This data will be collected and submitted to KDE by November 15, 2006. See the proposed KCMP Indicator ST 6.1 below.

Probe ST 6: (Applicable only to programs serving youth age 16 and older) Do youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals? (20 U.S.C. 1416(a)(3)(B))									
Rubric									
4 Exemplary level of development and implementation	3 Fully functioning and operational level of development and implementation	2 Limited development or partial implementation	1 Little or no development and implementation						
All youth aged 16 and above have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals AND that is aligned with the student's Individual Graduation Plan and course of study.	All youth aged 16 and above have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.	The majority youth aged 16 and above have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.	Fewer than half of youth aged 16 and above have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.						
Performance Indicator: ST 6.1: Beginning not later than the first IEP to be in effect when the student is 16, the IEP includes a) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and b) the transition services (including courses of study) needed to assist the child in reaching those goals.		Data Source: KCMP 3 – Record Review – Age 14 and Older (10% of the records of students who are 16 or older or a minimum of 10 records; maximum of 50) Quantifiable Data: <table border="1" style="width: 100%;"> <tr> <td style="background-color: #008000; width: 15%;"></td> <td>Total records reviewed</td> </tr> <tr> <td style="background-color: #008000;"></td> <td># of records where the IEP includes appropriate measurable postsecondary goals</td> </tr> <tr> <td style="background-color: #FFD700;"></td> <td>% of records where the IEP includes appropriate measurable postsecondary goals</td> </tr> </table>			Total records reviewed		# of records where the IEP includes appropriate measurable postsecondary goals		% of records where the IEP includes appropriate measurable postsecondary goals
	Total records reviewed								
	# of records where the IEP includes appropriate measurable postsecondary goals								
	% of records where the IEP includes appropriate measurable postsecondary goals								

Baseline Data for FFY 2004 (2004-2005): Since this is a new indicator, baseline data will be reported in the FFY 2005 APR due February 1, 2007.

Note: KDE has collected related data through the KCMP for FFY 2003-2004 and will have data after January 30, 2006 for FFY 2004-2005 to analyze. FFY 2003-2004 data for KCMP indicators ST 2.1, ST 3.1, ST 4.1; and ST 5.1 are summarized in the charts below. KDE will use this information as well as the proposed additional indicator ST 6.1 to better examine full compliance with the federal requirements regarding postsecondary transition.

2003-04 KCMP Baseline Data

ST2.1	(Applicable only to programs serving youth age 14 or over) Does youth involvement occur through the ARC process relative to transition planning, beginning at age 14?
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88.66% Percent of records where youth involvement occurs

ST3.1	(Applicable only to programs serving youth age 14 and older) Beginning at age 14, does each student’s IEP contain a Statement of Transition Service Needs?
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83.17% % of records where IEPs contain statements of transition service needs, updated annually.

ST4.1	(Applicable only to programs serving youth age 14 and older) Has each youth with a disability completed an Individual Graduation Plan (IGP), including a projected course of study?
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85.34% % of records show completed IGPs, including projected course of study

ST5.1	(Applicable only to programs serving youth age 16 and older) Beginning at age 16, does each student’s IEP contain a Statement of Needed Transition Services including, if appropriate, a statement of the interagency responsibilities or any needed linkages?
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82.84% % of records showing IEPs contain statements of needed transition services including, if appropriate, a statement of interagency responsibilities or any needed linkages

Discussion of Baseline Data: Since this is a new Indicator, baseline data will be discussed in FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2006 (2006-2007)	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2007 (2007-2008)	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2008 (2008-2009)	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2009 (2009-2010)	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2010 (2010-2011)	100% of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Improvement Activities/Timelines/Resources:

Since this is a new indicator, further improvement activities, timelines, and resources will be reported in FFY 2005 APR due February 1, 2007.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: Effective General Supervision Part B/ Effective Transition

Indicator – 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B))

Measurement: % = of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

Kentucky has defined “competitive employment” as work:

- (i) in the competitive labor market that is preformed on a full-time or part-time basis in an integrated setting; and
- (ii) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

Overview of Issue/Description of System or Process:

According to KRS 158.6451, Kentucky schools shall be measured on the proportion of students who make a successful transition to work, postsecondary education, and the military. This statutory requirement to collect data on successful secondary transition is embodied within the Kentucky’s Commonwealth Accountability Testing System.

Kentucky’s Commonwealth Accountability Testing System (CATS) includes measures of transition success for all students as part of the Nonacademic Data Report. Each exiting student is tracked and reported to KDE for transition success status within 6 months of exiting school. A graduate is considered successful if he or she is 1) Enrolled as a full-time student at a Postsecondary school (minimum of 12 units per semester); 2) Employed at least 30 hours per week in a permanent position, i.e., paid work (self-employed or for a business), caring for children/family in the home, community services or religious duties; 3) An active member of the U.S. Military; or 4) Involved in any work/school combination adding up to at least 30 hours per week. A variation of the transition success definition is also available for students with moderate to severe disabilities, which accepts alternatives such as supported employment /schooling of at least 20 hours per week.

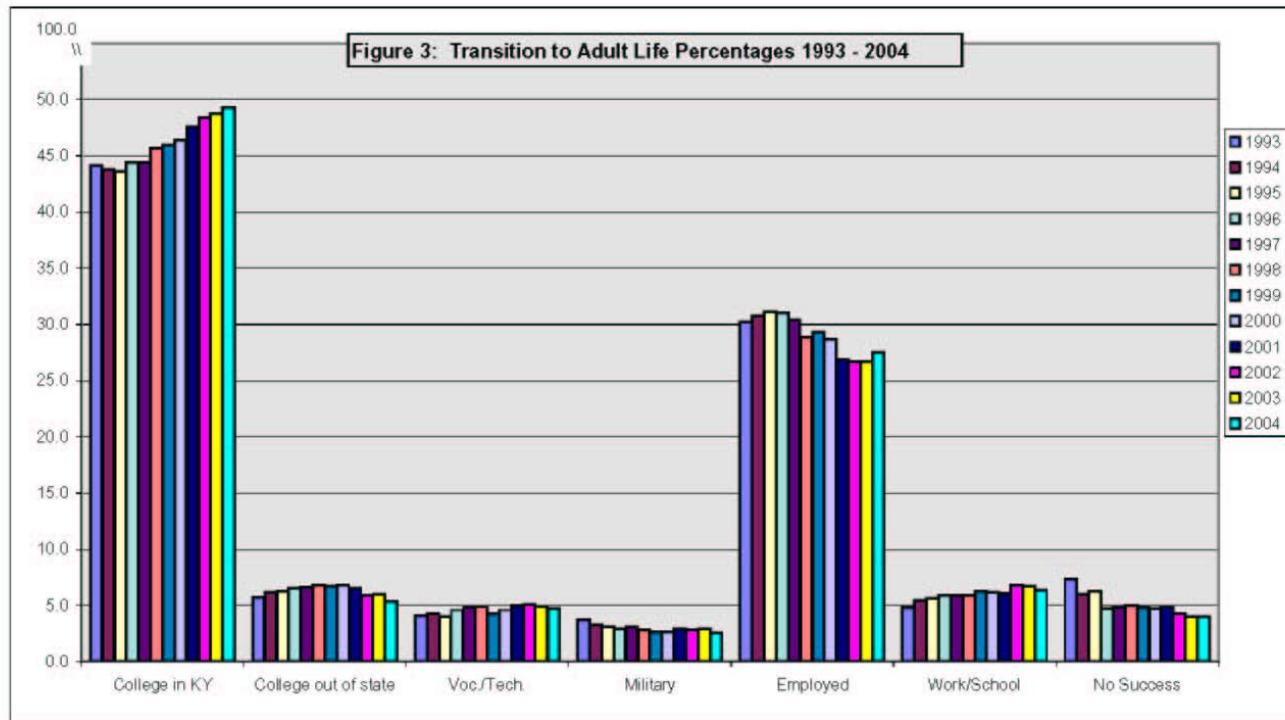
At this point, KDE is unable to disaggregate the data by disability. The data collected, even if disaggregated, does not provide specific information regarding competitive work since Kentucky's definition of work includes caring for children/family in the home, community services or religious duties. Furthermore, the data collection system does not survey youth who have dropped out or aged out. Also it includes students who graduated with a certificate.

A summary of the overall data for Kentucky based on the above definitions and timeline for surveying is provided on the following page. As is evidenced by the summary, the current system of data collection indicates that 96% of graduates in Kentucky made a successful transition under Kentucky law.

Based on these findings, KDE plans to implement a second survey to meet the data needs for the State Performance Plan as described in Improvement Activities section below.

Figure 3: Transition to Adult Life Percentages 1993 - 2004

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
College in KY	44.1	43.8	43.6	44.4	44.4	45.7	46.0	46.4	47.6	46.4	48.8	49.3
College out of state	5.7	6.2	6.3	6.5	6.8	6.8	6.7	6.8	6.5	5.9	6.0	5.4
Voc./Tech.	4.1	4.3	4.0	4.6	4.8	4.9	4.3	4.6	5.0	5.1	4.9	4.7
Military	3.7	3.3	3.1	2.9	3.1	2.8	2.7	2.7	2.9	2.8	2.9	2.6
Employed	30.2	30.8	31.1	31.0	30.4	28.9	29.3	28.7	26.9	26.7	26.7	27.5
Work/School	4.8	5.5	5.8	5.9	5.9	5.9	6.3	6.2	6.1	6.8	6.7	6.4
No Success	7.4	6.0	6.3	4.7	4.8	5.0	4.8	4.7	4.9	4.3	4.0	4.0



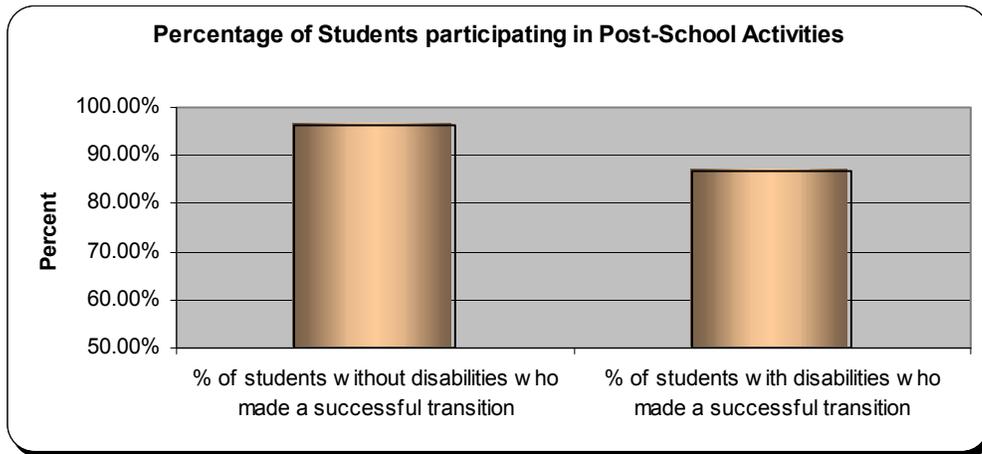
Baseline Data for FFY 2004 (2004-2005): Since this is a new Indicator, baseline data will be reported in FFY 2006 APR due February 1, 2008.

The KCMP self-assessment provided DECS with data in the areas of post-school outcomes. Though more general in its scope (successful versus unsuccessful), the data will assist Kentucky in examining current levels of successful transition.

2003-04 data on KCMP Indicator ST 1.1 revealed the following:

ST1.1	Is the percentage of youth with disabilities participating in post-school activities (e.g., employment, education, etc.) comparable to that of non-disabled youth?
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96.37%	% of students without disabilities who made a successful transition
86.78%	% of students with disabilities who made a successful transition
-9.59%	Difference



Discussion of Baseline Data: Since this is a new Indicator, baseline data will be reported in FFY 2006 APR due February 1, 2008.

	Measurable and Rigorous Target
2005 (2005-2006)	Since this is a new indicator, measurable and rigorous targets will be reported in FFY 2006 APR due February 1, 2008.
2006 (2006-2007)	Since this is a new indicator, measurable and rigorous targets will be reported in FFY 2006 APR due February 1, 2008.
2007 (2007-2008)	Since this is a new indicator, measurable and rigorous targets will be reported in FFY 2006 APR due February 1, 2008.
2008 (2008-2009)	Since this is a new indicator, measurable and rigorous targets will be reported in FFY 2006 APR due February 1, 2008.
2009 (2009-2010)	Since this is a new indicator, measurable and rigorous targets will be reported in FFY 2006 APR due February 1, 2008.
2010 (2010-2011)	Since this is a new indicator, measurable and rigorous targets will be reported in FFY 2006 APR due February 1, 2008.

Data Collection Activities

The following plan will be implemented during FFY 2005 to collect data required by Indicator 14:

All students exiting school, whether because of graduation with a standard diploma, a certificate of completion, aging out, or dropping out, will complete an Exiting Student Survey (ESS). The ESS will be completed while the student is still in school and will ask students and/or parents/guardians to provide information about their school, transition planning, and their post-high school plans. In addition, the ESS will ask students to provide names and contact information for at least two adults most likely to know about the student once she/he leaves high school to ensure the likelihood of follow-up with the exiter.

One year following school exit (the spring following school exit), a third party surveyor will be responsible for assuring that a telephone survey is conducted with the student or the adult whose contact information was provided. This

survey/interview will pertain to the student’s post-high school employment and/or education engagement since leaving school.

KDE and the Human Development Institute/University of Kentucky, with assistance from the National Center on Post-School Outcomes (NPSO), will develop the ESS and the Student Outcome Survey (SOS)

During FFY 2005-2006, KDE will work with our State Advisory Panel and the IHDI to refine Kentucky’s post-school outcome data collection system. All Local Education Agencies (LEAs) will be invited to join the sample annually. Every LEA will be sampled at least once every 6 years and will annually include our LEAs with the largest average daily attendance (ADA). As part of our focused monitoring process, some LEAs may be sampled more often, should monitoring results warrant.

Kentucky will design the system to collect information on youth who have exited school by means of a standard diploma, certificate of completion, aging out and/or dropping out. KDE’s system will be designed to maximize the response level of the sample and will include an analysis and correction for non-responses. No personally identifiable information about individual youth will be disclosed.

KDE has begun utilizing state and national expertise by participating in the NPSO/NSCET sponsored Post-School Outcomes Community of Practice, accessing materials and technical assistance from the national Post-school Outcomes Center, and collaborating with our University Center on Disability, the Human Development Institute (IHDI) at the University of Kentucky, on developing our data collection system.

KDE plans to use the recommendations from the National Post-school Outcomes Center regarding the sampling calculator, definition of terms, and other technical assistance.

The activities and timelines below were designed after technical assistance and samples provided by OSEP and the National Post-School Outcomes Center.

Activities	Timelines	Resources
DECS will use the State Improvement Grant (SIG) Memorandum of Agreement with the Human Development Institute/University of Kentucky to assist in design of data collection system and protocol, work with the NPSO Center in this design.	Fall/Winter 2005	Interdisciplinary Human Development Institute at University of Kentucky (IHDI) National Post-School Outcomes Center

Activities	Timelines	Resources
DECS and IHDI will publicize the survey to LEAs including how the information gathered can assist schools and LEAs and KDE’s projected timeline for implementation.	December 2005- December 2006	KDE Transition Coordinator, IHDI
DECS will partner with IHDI and NPSO to design post-school outcome collection system, including sampling plan.	January – July 2006	IHDI and NPSO consultant
DECS Transition Coordinator and SIG Transition Coordinator will attend National Forum on Post-School Outcomes.	March, 2006	IHDI, KDE Transition Coordinator, LEA representatives, parent representative, student representative
DECS and IHDI will provide training on data collection and how information gathered can assist schools and LEAs at Special Education Cooperative Directors’ meeting; and will identify LEAs to begin the process.	Spring, 2006	KDE Transition Coordinator, SEA Director, LEA Administrators
DECS through partnership with IHDI will gather information on student exiters (Exiting Student Survey ~ ESS) during 2005-2006.	Spring, 2006	Identified LEA administrators and designated staff, IHDI
DECS will report results to the public.	2008 and on-going	KDE web-site; SIG Transition web-site; print media, etc.
DECS and IHDI will gather post-school outcome data on 2005-2006 student exiters from sample LEAs (will have to develop post-school outcome survey).	April through August, 2007	IHDI, LEA administrators and designated LEA staff
DECS and IHDI will build baseline of exit and post-school outcome data annually.	Fall, 2006 and each Fall, thereafter	IHDI

Activities	Timelines	Resources
DECS and IHDI will analyze data at LEA and state level, compile simple, user-friendly reports.	Fall, 2006 and each Fall, thereafter	IHDI
DECS will set 6-year and annual rigorous and measurable targets based on baseline data collected to date (to be submitted in the APR due February, 2008).	Before February, 2008	State Advisory Panel, KDE Transition Coordinator, SEA Director, IHDI
DECS will report results to public.	February 2008 and on-going	
DECS will provide technical assistance to LEAs to learn to read and use the data in order to develop and implement improvement activities.	Annually in Winter/Spring	IHDI
DECS and IHDI will adjust data collection protocol and training as needed to improve response rate.	Annually in Winter/Spring	IHDI, State Advisory Panel, KDE Transition Coordinator
DECS will review and adjust the rigorous and measurable targets annually; complete APR.	Annually by February	KDE Transition Coordinator, IHDI, State Advisory Panel
Kentucky will continue to survey all high school graduates on successful transition to adult life data, as required by KRS 158.6451	December 2005 and on-going	High School Counselors

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to such areas.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:

- a. # of agencies in which noncompliance was identified through other mechanisms.

- b. # of findings of noncompliance made.
- c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

Overview of Issue/Description of System or Process:

Prior to 1999, DECS' system of IDEA monitoring took the form of strict compliance monitoring of the 178 LEAs in Kentucky. Due to prior citations from OSEP during its monitoring of DECS, DECS developed a monitoring instrument of 272 compliance items by which LEAs were monitored for IDEA compliance. As part of this system of strict compliance, DECS monitored LEAs on a five-year cycle. After the DECS monitoring team visited the LEA, DECS compiled and wrote a report and developed a Corrective Action Plan (CAP). Responsibility for monitoring the LEA CAP was given to the LEA's Regional Exceptional Children Consultants (RECC) from the Regional Service Center. The RECC's primary job responsibilities included providing technical assistance to LEAs in their region and follow-up on CAPs for monitoring and formal complaints, with updates to DECS on the status of the LEA's CAP.

During the late 1990s, OSEP moved from its system of strict compliance monitoring of State Education Agencies (SEAs) to a system of monitoring for student outcomes, as set forth in its Continuous Improvement Monitoring Process (CIMP). In viewing the CIMP requirements, DECS understood that the OSEP trend in monitoring had veered away from strict compliance monitoring toward a system of monitoring for results. Based on this trend, Kentucky asked for and received a one-year moratorium of the LEA monitoring process from OSEP in 1999 in order to revise its LEA monitoring system based on the CIMP. Kentucky's new system of LEA monitoring – the Kentucky Continuous Monitoring Process or KCMP- began in 2000. Due to LEA lack of understanding regarding the KCMP indicators, the data received from LEAs was not beneficial to DECS in doing analyses or making comparisons between LEAs. As a result, the KCMP indicators for LEAs were revised in 2001.

KDE submitted its initial CIMP Self-Assessment to OSEP in December 2001 and its Improvement Plan, based on the CIMP, in July 2002. In 2003, OSEP sent its Response to KDE's 2003 Improvement Plan, citing KDE in three areas on non-compliance. One of those areas was KDE's monitoring of LEAs. In its review of the CIMP and the Improvement Plan, OSEP stated:

Kentucky's Self-Assessment included data indicating that the former monitoring system did not correct identified problems; and there is no data to verify that the revised monitoring system is correcting identified problems...

[November 6, 2003 Response from OSEP]

In the Spring 2003, the Regional Service Centers were abolished by action of the Kentucky legislature. The position of Regional Exceptional Children Consultant, by which LEAs received special education technical assistance on a regional basis, was also eliminated. Follow-up responsibility for CAPS reverted back to DECS at this time.

In August 2003, prior to receiving the OSEP Response to the Improvement Plan, DECS convened a stakeholder group for the purpose of revising the KCMP indicators. By Spring 2004, the KCMP was redesigned through the efforts of the Monitoring Work Group and DECS. In order for KDE's general supervision responsibilities to coordinate with OSEP's approach, the new 2004 KCMP indicators were aligned with OSEP's 2004 APR. The 2004 KCMP thus gave DECS quantifiable data to evaluate outcomes for students with disabilities. Additionally, the "new" KCMP asked for information in the areas of disproportional placement of minority students in special education and in placement of minority students within certain categories of disabilities. The area of disproportionality was not previously addressed in the former KCMP. Alignment of the KCMP with OSEP's APR also meant that DECS had a data source from which to obtain APR data that had not been previously available to DECS.

The new KCMP monitoring document was submitted by DECS to OSEP in June 2004 for its review. Along with the monitoring document, DECS also submitted a CD and notebook of the KCMP training developed by the work group and provided to the Special Education Cooperatives in Summer 2004. DECS and OSEP staff later participated in a conference call in the Summer 2004 to discuss the new KCMP document.

In addition to the Monitoring Work Group's task in reviewing and revising the KCMP, the Work Group also developed a set of triggers to assist DECS in identifying LEAs in need of intervention in the spring of 2004. The Work Group's triggers were utilized in developing DECS' final process for identifying LEAs to receive on-site monitoring or assignment of a Special Education mentor during the fall of FFY 2004. Additionally, the Kentucky Board of Education's priority of reducing the "gap" in assessment scores between students with and without disabilities entered into choosing LEAs in need of interventions. The final process included the following steps:

- Identifying LEAs that did not meet AYP for reading and math

- Identifying LEAs that had the largest gaps in reading and math on the CATS assessment between students with and without disabilities
- Identifying LEAS that had the largest gaps in performance in reading and math on the CATS assessment for students with disabilities, as compared to the average performance of students with disabilities throughout statewide

Numerical values were assigned to LEAs in each of the three categories, were averaged then rank ordered from highest to lowest in order to prioritize where DECS needed to provide intervention. Based on the rank ordering, six LEAs were selected to receive Special Education Mentors. The next five LEAs were selected for on-site visits. The numbers of due process hearings, substantiated formal complaints and parent phone calls received by DECS were also factored into the decision of which LEAs would receive on-site visits.

On July 20, 2005, DECS received formal notification from OSEP that there were “substantial numbers of Part B requirements that were not included” in the revised 2004 KCMP. While this was DECS’ first formal notification that OSEP believed the KCMP did not comply with IDEA requirements, DECS staff received early indications that the new KCMP might not comply with IDEA standards. As a result, DECS staff and the Kentucky’s Mid-South Resource Center liaison contacted the National Center for Special Education Accountability Monitoring (NCSEAM) in January 2005 to request that NCSEAM accept KDE as a partner. Prior to this, DECS had made a request for technical assistance but NCSEAM was not able to accept additional work at that time.

NCSEAM accepted Kentucky as a potential client in the of 2005, Dr. Jane Nell Luster, NCSEAM’s Data Director, worked with DECS during the spring and made an on-site technical assistance visit in June 1-3, 2005. 15 participants, including the Dr. Johnnie Grissom, acting Director of DECS, the SAPEC chairperson, members of the Monitoring work group, DECS staff and the Mid-South liaison to Kentucky, attended the meeting. At the culmination of the visit, NCSEAM and DECS entered into a partnership and developed a Focused Monitoring Implementation Checklist and a NCSEAM work plan for DECS.

Larry Taylor, the current DECS director, was appointed to his position in July 2005. Since that time, he and staff have met with Dr. Sandy Schmitz, NCSEAM’s Technical Assistance Director, to discuss revision of KDE’s IDEA monitoring process. Dr. Schmitz agreed to visit to Kentucky in January 2006 to discuss substantive changes to KDE’s monitoring process, including the KCMP. Dr. Luster has a follow-up visit with DECS and the monitoring work group on December 5 and 6, 2005, to discuss KDE’s data needs, in order to assist KDE with ensuring its monitoring system is compliant with IDEA.

Note: Another reason for the revision of KDE's current monitoring system rests with actions taken by Congress. In the 2004 Reauthorization of IDEA, Congress required that SEAs submit State Performance Plans to OSEP, with follow-up APRs on a yearly basis. Few of the new SPP indicators are identical to the former APR.

Unfortunately, even slight changes to the indicators significantly affect KDE's ability to collect SPP data. The KDE current system of collecting data does not allow DECS to collect student level data that exists at the district level, even though the data is collected by individual LEAs. DECS has utilized the 2004 KCMP as a LEA tool for self-evaluation, as a means of evaluating LEA performance under IDEA and as a way of obtaining needed data for the 2004 and 2005 APRs. While DECS' realignment of the KCMP with the former APR appeared to be a good idea in 2003, changes in the SPP/APR indicators now mean that DECS must develop a new data collection plan for many of the new SPP/APR indicators.

Baseline Data FFY 2004 (2004-2005):

KCMP self-assessments, based on the 2001 KCMP, were sent by LEAs to DECS in June 2004.

KCMP self-assessments, based on the revised 2004 KCMP, were sent by LEAs to DECS by January 30, 2005.

Discussion of Baseline Data for Monitoring Target:

Based upon the system of triggers developed by the Work Group, a pilot program was instituted for FFY 2004-2005. Ten LEAs were identified in summer 2004 for on-site verification visits of their KCMP and other compliance issues set forth in IDEA. Five of the ten LEAs identified for visits were the lowest performing LEAs based on the triggers. (LEAs that had already been assigned Special Education Mentors were excluded from the on-site visits). Two of the ten LEAs chosen for visits were rated as exemplary districts using the established triggers. Three of the LEAs chosen for visits were selected at random. (In actuality, two of the three random LEAs requested visits) On-site visits commenced in Fall 2004 and continue to be conducted through winter and spring of 2005. When other programs at KDE required an on-site visit to a LEA, the programs along with DECS organized a coordinated technical assistance visit. This unified approach has provided technical assistance beyond compliance, and attempts to improve outcomes for all students and ensure all programs are evaluated for improvement of services to children. The pilot has continued through FFY 2005-2006 with some mid-course revisions based on the information gleaned from the previous year. Rather than identifying two districts as exemplary, exemplary practices within all districts visited will be noted. Upon compiling the report of findings, the district will be required to develop a corrective action plan to address

noncompliances within one year from the submission of the aforementioned report. Twelve LEAs will receive on-site visits during the FFY 2005-2006. The triggers from FFY 2004- 2005 were reviewed and revised. Nine of the districts were selected based on the following criterion:

- Meeting Adequate Yearly Progress (AYP)
- In-LEA gap between district-wide assessment scores (CATS) of students with and without disabilities
- Analysis of LEA's CATS scores versus state CATS scores in KDE Core Content
- Number of dropouts of students with disabilities
- Number of students with disabilities suspended over 10 days or placed in alternate education
- Results of KCMP desk audits
- LEA Complaints/ hearings/ mediations received by DECS
- Comparison of the gaps between students with and without disabilities in non-cognitive areas collected by the Office of Assessment and Accountability, i.e., attendance rates and successful transition rates to postsecondary outcomes.

In LEAs with smaller student populations where the district is too small to have statistically significant numbers of students at each grade level, and therefore unable to produce reportable achievement gap data the following criteria was used:

- Meeting Adequate Yearly Progress (AYP)
- Number of dropouts of students with disabilities
- Number of students with disabilities suspended over 10 days or placed in alternate education
- Results of KCMP desk audits
- LEA Complaints/ hearings/ mediations received by DECS

- Comparison of the gaps between students with and without disabilities in non-cognitive areas collected by the Office of Assessment and Accountability, i.e., attendance rates and successful transition rates to postsecondary outcomes.
- Historical information based on the LEAs' past KCMP data and past compliance issues

The LEA will be required to develop a corrective action plan to address any area(s) of noncompliance within one calendar year from the DECS issuance of the report. In addition to addressing areas of noncompliance, the report will include a discussion of effective research-based instructional practices that have been proven to enhance student achievement. The team leader for the on-site visit will be required to follow-up with the district to provide any technical assistance and support needed to accomplish the completion of the LEA's corrective action plan. The leader will also be responsible for maintaining the data on the status of the LEA's CAP for the duration of the year. As necessary, additional on-site visits will be made to verify all noncompliance issues have been corrected. The CAP for Russellville Independent, a FFY 2004-2005 on-site visit, was closed November 2005. Other monitoring CAPs for FFY 2004-2005 on-site visits are pending within the one-year timeline.

As set forth in 707 KAR 1:380 Section 3, for districts who fail to correct identified issues of noncompliance within the one year time period the DECS will:

- Employ intensive assistance for at least a two-year period. The intensive assistance may include consultation, training, technical assistance or assignment of a special education mentor within the LEA in order to remedy all noncompliances.
- The DECS will utilize more progressive sanctions if an LEA fails to comply within the two-year time frame, as follows:
 - Conditional approval of IDEA funds. Conditions and timelines for continuing to receive IDEA funds will be stated in an application approval letter sent to DECS by the LEA for approval. Conditional funding may be employed for more than one year before imposing the next sanction.
 - DECS may withhold payment of IDEA funds if a LEA fails or refuses to meet the conditions or timelines in the conditional approval letter.

- DECS may withhold Support Education Excellence in Kentucky (SEEK) add-on funds. SEEK add-on funds will be held in a trust as required in KRS 157.224.
- Other sanctions available under state and federal law will be employed as circumstances warrant.

**Baseline Data for 15C
FFY 2004 (2004-2005):**

Monitoring Priority: Effective General Supervision Part B		
Indicator	Measurement Calculation	Explanation
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:</p> <p>a. # of agencies in which noncompliance was identified through other mechanisms.</p> <p>b. # of findings of noncompliance made.</p> <p>c. # of corrections completed as soon as possible but in no case later than one year from identification.</p>		<p>-16 agencies had issues from other mechanisms complaints, all through formal complaints.</p> <p>- The 2 fully adjudicated hearing decisions did not find noncompliances for either LEA.</p> <p>- Kentucky does not cite LEAs for noncompliance in mediation.</p> <p>Formal complaints - There were 42 findings of noncompliance in the following areas –</p> <p>17 findings for failure to develop or implement the IEP</p> <p>9 findings in the area of discipline</p> <p>7 findings regarding evaluations and reevaluations</p>

<p>Percent = c divided by b times 100.</p>	<p>a = 16 b = 42 c = 0</p> <p>0/42 = 0%</p> <p>0% of noncompliance identified through other mechanisms were documented as corrected in a timely manner</p>	<p>5 findings for failure to follow procedural safeguards</p> <p>2 findings on student records</p> <p>1 finding on Least Restrictive Environment</p> <p>1 finding on secondary transition</p> <p>No findings were documented as corrected within one year from identification</p> <p>The areas in which correction was still outstanding were IEPs, discipline, evaluation, procedural safeguards, student records, LRE and secondary transition</p>
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Topics of Complaint Findings

Discussion of Baseline Data

There were no agencies that had noncompliance identified through due process hearings or mediations in FFY 2004. Neither of the two hearings that were fully adjudicated in FFY 2004 found noncompliance against the LEAs, i.e., both decisions were in the LEAs’ favor. KDE’s mediation process does not cite LEAs for noncompliance.

In FFY 2004, the formal complaint process identified 16 agencies (15 LEAs and one state agency) with issues of noncompliance. There were 42 findings of noncompliance. 17 findings of the 42 were related to failure to develop or implement an IEP. Nine findings were in the area of discipline, seven were related to timely or complete evaluations/ reevaluations and five findings were for failure to follow procedural safeguards as set forth in IDEA.

Agencies were advised of the noncompliance issues in complaint reports issued by KDE and were ordered through Corrective Action Plans (CAPs) to remediate the violations of IDEA. However, in FFY 2004, there was no KDE follow-up to ensure that the CAPs were completed within one year from the date of identification. DECS is taking immediate steps to address this issue, as set forth in the Activities which follow.

FFY	Measurable and Rigorous Targets for 15 A.
2005 (2005-2006)	100% of noncompliance identified related to monitoring priority areas and indicators are corrected within one year of identification
2006 (2006-2007)	100% of noncompliance identified related to monitoring priority areas and indicators are corrected within one year of identification
2007 (2007-2008)	100% of noncompliance identified related to monitoring priority areas and indicators are corrected within one year of identification

FFY	Measurable and Rigorous Targets for 15 A.
2008 (2008-2009)	100% of noncompliance identified related to monitoring priority areas and indicators are corrected within one year of identification
2009 (2009-2010)	100% of noncompliance identified related to monitoring priority areas and indicators are corrected within one year of identification
2010 (2010-2011)	100% of noncompliance identified related to monitoring priority areas and indicators are corrected within one year of identification

FFY	Measurable and Rigorous Targets for 15B.
2005 (2005-2006)	100% of noncompliance identified related to areas not included in monitoring priority areas and indicators are corrected within one year of identification
2006 (2006-2007)	100% of noncompliance identified related to areas not included in monitoring priority areas and indicators are corrected within one year of identification
2007 (2007-2008)	100% of noncompliance identified related to areas not included in monitoring priority areas and indicators are corrected within one year of identification
2008 (2008-2009)	100% of noncompliance identified related to areas not included in monitoring priority areas and indicators are corrected within one year of identification
2009 (2009-2010)	100% of noncompliance identified related to areas not included in monitoring priority areas and indicators are corrected within one year of identification

FFY	Measurable and Rigorous Targets for 15B.
2010 (2010-2011)	100% of noncompliance identified related to areas not included in monitoring priority areas and indicators are corrected within one year of identification

FFY	Measurable and Rigorous Targets for 15 C.
2005 (2005-2006)	100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification
2006 (2006-2007)	100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification
2007 (2007-2008)	100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification
2008 (2008-2009)	100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification
2009 (2009-2010)	100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification
2010 (2010-2011)	100% of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification

Improvement Activities/Timelines/Resources:

Activity	Timeline	Resources
<p>DECS will revise its IDEA monitoring system to include:</p> <ul style="list-style-type: none"> - State Performance Plan (SPP) requirements - IDEA regulatory requirements - Focused monitoring 	<p>Beginning in December 2005 through 2011</p>	<p>National Center on Special Education Accountability Monitoring (NCSEAM)</p> <p>Mid-South Regional Resource Center</p> <p>DECS Monitoring Work Group</p> <p>Focused Monitoring Stakeholder Group</p>
<p>DECS will develop a system to verify data in the following areas:</p> <ul style="list-style-type: none"> - SPP requirements - IDEA regulatory requirements 	<p>Beginning in January 2006 through 2011</p>	<p>NCSEAM</p> <p>Mid-South Regional Resource Center</p>
<p>KDE complaint investigators will contact LEAs with outstanding CAPS for FFY 2004 to determine the CAP status.</p>	<p>By January 1, 2006</p>	
<p>KDE complaint investigators will meet with the DECS director to discuss all complaints from FFY 2004 whose CAPs have not been completed.</p>	<p>By January 15, 2006</p>	

Activity	Timeline	Resources
The Director's designee will report to the DECS' Director on a weekly basis on the status of CAPs for formal complaints.	January 2006 and on-going	
The DECS director will meet with complaint investigators to discuss outstanding CAPs for complaints which are more than six months old.	January 2006 and on-going	
For CAPs exceeding one year which involve formal complaints and monitoring, the DECS director will require the LEA DOSE to meet and resolve all outstanding issues.	February 28, 2006 through 2011	
DECS will analyze data from KCMP self-assessments, utilizing Special Education Co-operatives to assist LEAs with programmatic and compliance issues	February 28, 2006 through 2011	Special Education Co-operatives

Part B State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development: See Page 1.****Monitoring Priority: Effective General Supervision Part B / General Supervision**

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = $(1.1(b) + 1.1(c))$ divided by (1.1) times 100.

Overview of Issue/Description of System or Process:

As part of their general supervisory responsibility under IDEA, State Education Agencies (SEAs) are charged with administering a formal complaint system. Parents, students, organizations or individuals may file a formal written complaint, alleging violations of IDEA by a LEA. 34 CFR 300.660- 300.662. In discharging this function, the SEA has a 60-day timeline in which it must investigate the complaint and issue a report on its findings. If the LEA has violated IDEA, the SEA also writes a corrective action plan for the LEA that requires the LEA to take certain steps to achieve compliance with the law. The complaint timeline of 60 days is mandatory and may be exceeded only under extraordinary circumstances that exist with reference to a particular complaint. In Kentucky, the IDEA complaint provisions have been promulgated as regulations at 707 KAR 1:340, Section 15.

Since the 1990's, Kentucky has utilized an early complaint resolution process through which LEAs may investigate themselves when a formal written complaint is filed against them. The impetus behind this system was to allow LEAs an opportunity to resolve school-level problems of which the Director of Special Education was not previously aware. Under Kentucky's complaint system, LEAs are given the option of investigating themselves and submitting a report to DECS of the investigation, findings and the corrective action plan, if needed. Upon receipt of the LEA report, the DECS investigator reviews the findings and takes additional evidence if needed. DECS then either accepts the LEA investigation findings, accepts it in part or rejects the findings. If the LEA declines to investigate, the DECS investigator conducts an on-site visit. The early resolution

process has been successful at resolving complaints without formal administrative action. As demonstrated by the FFY 2004 data, 20% of complaints (9 of 41 complaints) filed by parents were withdrawn before DECS issued its final report.

As noted in Indicator 15, in 1999 OSEP moved from its former system of strict compliance monitoring of State Education Agencies (SEAs) to the Continuous Improvement Monitoring Process (CIMP), a system of monitoring for student outcomes. Kentucky submitted its initial CIMP Self-Assessment to OSEP in December 2001. In its Self-Assessment report, KDE found itself noncompliant in three areas of general supervision. One of the noncompliance areas was KDE's failure to comply with IDEA's 60-day timeline for investigating and resolving complaints. KDE submitted an Improvement Plan to OSEP in 2002 based on the CIMP report.

In 2002, the KDE Office of Special Instructional Services (OSIS) moved the responsibility of complaint investigation from consultants within DECS to a newly hired attorney within the Office of Legal and Legislative Services (OLLS). The attorney had 20 years of experience in special education law and investigative experience. She was given responsibility for administering the due process hearing system and handling litigation for KDE, as well as investigating complaints.

By letter dated November 6, 2003, OSEP responded to Kentucky's 2002 Improvement Plan. OSEP cited KDE in the same general supervision areas as set forth in the 2001 Self-Assessment report, including compliance with timelines for formal complaints. The letter required KDE to provide OSEP with progress reports in the areas of noncompliance. The progress reports were submitted to OSEP on January 31 and June 1, 2004. Also during this time period (March 30, 2004), KDE submitted its 2004 APR with FFY 2002 data on compliance with complaint resolution timelines. The FFY 2002 data showed that KDE's percentage of timely complaint resolutions had risen to 55%, up from 41% in FFY 2001.

The data on complaint resolutions timelines in the June 1, 2004 Progress Report showed greater improvement in percentages for FFY 2003 than the previous year. For the first eleven months of FFY 2003, 30 of the 32 complaints were finalized within 60 days as required by law (94%). One complaint was late, due to exceptional circumstances that existed with respect to that complaint. One complaint was late when the attorney/ investigator retired and could not be replaced under state hiring procedures.

In OSEP's Verification Visit letter of May 17, 2004, OSEP determined that KDE had corrected its failure to ensure that all complaints are resolved in a timely manner.

Upon the retirement of the attorney/investigator in March 2004, a new attorney was hired as KDE complaint investigator in May 2004, also within the Office of Legal and Legislative Services (OLLS). The job responsibilities of the attorney

also included administration of due process hearings and mediations, as well as handling legal cases on behalf of KDE.

On July 20, 2005, OSEP responded to Kentucky’s 2004 APR. OSEP noted KDE’s progress (from 41% in FFY 2001 to 55% in FFY 2002, to 94% for the first 11 months of FFY 2003) in resolving complaints in a timely manner. However, OSEP reversed its conclusion set forth in the May 2004 Verification Visit letter that Kentucky had corrected its failure to ensure that all complaints were resolved in a timely manner. OSEP advised KDE that it must demonstrate full compliance regarding timely resolution of complaints by December 2, 2005.

In October 2005, the complaint investigation process was revised. Responsibility for complaint investigations was moved to DECS consultants from OLLS. This system is further described under “Review of Baseline Data.”

Baseline Data for FFY 2004 (2004-2005) including data from FFY 2003:

FFY	Complaints with reports issued	Reports within timeline	Reports with extended timelines	Percentage resolved within 60-day timeline
2003	35	32	3	91%
2004	32	20	12	62.5%

Discussion of Baseline Data:

FFY 2003 Data

42 complaints were filed, of which 7 were pending within timelines on July 1, 2004. Of the 35 complaints which were finalized during 2003-2004:

- 32 were completed within the 60-day timeline (91%)
- In 2 cases, the timelines were briefly extended due to exceptional circumstances, i.e., the parent submitted a response to the LEA investigation shortly before the expiration of the 60-day timeline. (These circumstances meet the definition of “exceptional circumstances” related to a particular complaint under IDEA but were not included in the baseline data as complaints being resolved within the 60-day timeline.)

- 1 complaint was late during the month and a half time period between the retirement of the attorney/ investigator and the arrival of the new investigator. During the lapse of time before the new attorney was hired, DECS staff undertook the complaint investigation responsibility in addition to their other duties. In its July 20, 2005 letter, OSEP has concluded, and DECS agrees, that this situation is not an “exceptional circumstance” related to a particular complaint.

FFY 2004 Data

41 complaints were filed during FFY 2004. 9 complaints were withdrawn prior to the 60-day timeline for resolution of formal complaints under IDEA. Of the 32 remaining complaints:

- 20 of 32 complaints were resolved within the 60-day timeline.

For the 12 complaints with reports submitted after 60 days:

- 1 was a class complaint
- 9 were extended to give the complainant additional time to respond to the LEA’s investigation, and
- 2 complaints were late, 1 by one day

Data from FFY 2004 indicates that the improvements made over the preceding two years were not systemic in nature. In September 2004, the DECS director realized the enormity of the investigative task and added an additional experienced DECS consultant to assist with the complaint investigation process. The consultant was assigned to review the entire complaint file after the LEA submitted its self-investigation. The DECS consultant reviewed the parent’s complaint and the LEA response and made initial recommendations in light of the parent’s allegations. The consultant also noted possible violations not originally alleged by the parents. The consultant forwarded her conclusions to the attorney for his review and final report.

When the current DECS director, Larry Taylor, began in July, 2005, one of his first priorities was to improve the way in which parent telephone calls and complaints were handled by DECS. Feeling that DECS needed to take responsibility for resolving parent complaints, Mr. Taylor revised the entire system of investigating formal and informal complaints, effective October 1, 2005. Two DECS consultants were assigned responsibility for investigating formal complaints. A uniform process was developed for initiating formal complaints, investigating complaints, writing the reports and obtaining legal clearance on the report from the DECS’ staff attorney prior to Mr. Taylor issuing the report. Stringent procedures have been developed to ensure that the 60-day timelines are met, including intermediate checkpoints along the process. Corrective Action Plans (CAPs) will also be included in this process and

scrutinized to ensure that the one-year timelines for completion of the CAP are met.

In the past two months in which this system has been utilized, only two complaints have been filed with DECS. One was informally resolved and the other is pending within timelines.

One of Mr. Taylor’s goals in devising the new formal/ informal complaint process was to resolve parent issues with LEAs as effectively and expeditiously as possible in order to meet the needs of students with disabilities. When parents call DECS with complaints regarding their children’s special education services, DECS consultants suggest formal mediation as one of the first options in resolving a problem. The consultants also advise parents of their right to file a formal complaint or a due process hearing. Additionally, with the parent’s permission, consultants contact the local Director of Special Education to apprise them of the parent’s problem in the hope that the issue may be resolved quickly and informally. To assist DECS staff in effectively dealing with telephone complaints, DECS hired the Atlanta Center on Reconciliation to provide training on telephone dispute resolution techniques to DECS staff. The Center came to Kentucky and provided the training in October 2005.

As noted above, initial review of data indicates that the strategy is working. Since the new process began on October 1, 2005, only 2 complaints have been filed. This is in contrast to the rate of almost 4 complaints filed per month during FFY 2005.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances.
2006 (2006-2007)	100% of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances
2007 (2007-2008)	100% of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances
2008 (2008-2009)	100% of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances

FFY	Measurable and Rigorous Target
2009 (2009-2010)	100% of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances
2010 (2010-2011)	100% of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances

Improvement Activities/Timelines/Resources:

Activity	Timeline	Resources
DECS will monitor complaint timelines on an on-going basis and assign additional staff, if needed, to investigate complaints	December 2005 and on-going	
DECS Director will require written justification from the investigators explaining the “exceptional circumstance” prior to extending the timelines for complaints	December 2005 and on-going	

Activity	Timeline	Resources
<p>DECS will update its database to track on-going timelines for formal complaints. The database will include mechanisms for tracking the timeliness of DECS' investigation and ensuring completion of the Corrective Action Plan by the LEA within one year.</p> <p>Timelines will be monitored at multiple points within the process</p>	<p>By January 2006 through 2011</p>	
<p>The Director's secretary will report to Director on a weekly basis on status of timelines</p>	<p>January 2006 and on-going</p>	
<p>Data on complaint investigations will become a standing item at DECS monthly staff meetings</p>	<p>January 9, 2006 and on-going</p>	
<p>KDE will obtain complaint investigator training for new investigators</p>	<p>By May 2006</p>	<p>Kevin McDowell, Indiana Department of Education</p>

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = (3.2(a) + 3.2(b)) divided by (3.2) times 100.

Overview of Issue/Description of System or Process:

Federal law sets forth the timeline under IDEA for the resolution of due process hearings. A hearing decision is to be rendered within 45 days of the hearing request, unless the hearing officer has granted a specific extension of time at the request of either party. 34 CFR 300.511.

During the late 1990s, OSEP moved from its former system of strict compliance monitoring of State Education Agencies (SEAs) to a system of monitoring for outcomes, as set forth in the Continuous Improvement Monitoring Process (CIMP). Kentucky submitted its initial CIMP Self-Assessment to OSEP in December 2001. In its Self-Assessment report, KDE found itself noncompliant in three areas of general supervision. One area was timely resolution of due process hearings. As noted above, IDEA imposes a timeline of 45 days for hearings to be completed. Any extension of the 45 days timeline must be at the request of the parties and granted by the hearing officer for a specific period of time. The Self-Assessment found that hearing officers did not always document extensions of the 45-day timeline. In 2002, Kentucky developed an Improvement Plan to address this area of IDEA non-compliance.

In its November 6, 2003 Response to KDE's CIMP Improvement Plan, OSEP also found KDE noncompliant in the same three areas of general supervision which were identified by the CIMP Self-Assessment. In the area of due process hearing timelines, OSEP found:

Kentucky's Self-Assessment included data indicating that hearings are not completed within 45 days and specific extensions of time at the

request of either party and granted by the hearing officer are not documented...

KDE submitted its 2004 APR (FFY 2002) to OSEP on March 30, 2004. As set forth in the 2004 APR:

“During 2002-2003, nineteen hearings were resolved, with the remainder pending within timelines agreed to or requested by the parties. Of the nineteen resolved, 63% were timely resolved, (12 of 19), 5% (1 of 19) were one day late and 32% (6 of 19) were more than one day late. This was a decrease from 2001-01 in which 71% were timely resolved. [See the chart below for 2004 APR data submitted to OSEP.]

Of the 6 hearings that were more than 1 day overdue, 2 parents withdrew their hearing requests. DECS declined to renew the contract of one hearing officer who was perpetually late with his decisions and began monitoring another hearing officer’s cases as well as limiting his assignments.”

The 2004 APR also showed that only 1 of the 24 hearings requested during FFY 2002 was fully adjudicated. This fully adjudicated hearing was decided within timelines. The 7 hearings that were not within timelines were not fully adjudicated as the parties later settled the hearings.

Year	Hearings requested	Fully adjudicated decision reached within timelines	Percentage fully adjudicated within timelines
1999-2000	46	No data available	
2000-2001	48	No data available	
2001-2002	28	20	71%
2002-2003	19	12	63%

KDE submitted additional data to OSEP on due process hearing timelines during OSEP’s November 2003 Verification Visit to Kentucky. KDE also submitted follow-up data from FFY 2003 in reply to OSEP’s November 6, 2003 Response to the CIMP Improvement Plan. The replies were sent to OSEP at the end of January 2004 and May 2004 and included data on due process hearing timelines. The data provided to OSEP showed that:

- For FFY 2001, 20 of 28 hearings were resolved within 45 days or within the timelines allowed by an extension. (71%)
- For FFY 2002, 12 of 19 hearings resolved within 45 days or within timelines allowed by an extension. (63%). The circumstances surrounding the decrease in the percentage of hearings timely resolved were provided to OSEP in a memo dated November 18, 2003, from the KDE attorney in charge of hearings.
- For FFY 2003, 4 of 5 hearings fully adjudicated were resolved within 45 days or within the timelines allowed by an extension (80%). The one hearing not resolved within 45 days exceeded the timeline by one day. This was due to a delay in the hearing officer receiving the hearing transcript because of a death in the court reporter’s immediate family. On the date that the hearing data was submitted to OSEP, an additional 4 hearings were pending, all within timelines.

Baseline Data:

FFY 2003:

For FFY 2003, data pertaining to due process hearings is as follows:

Year	Hearings requested	Fully Adjudicated Decision reached within timelines	Percentage Fully Adjudicated Within timelines
2003-2004	27	2	33%

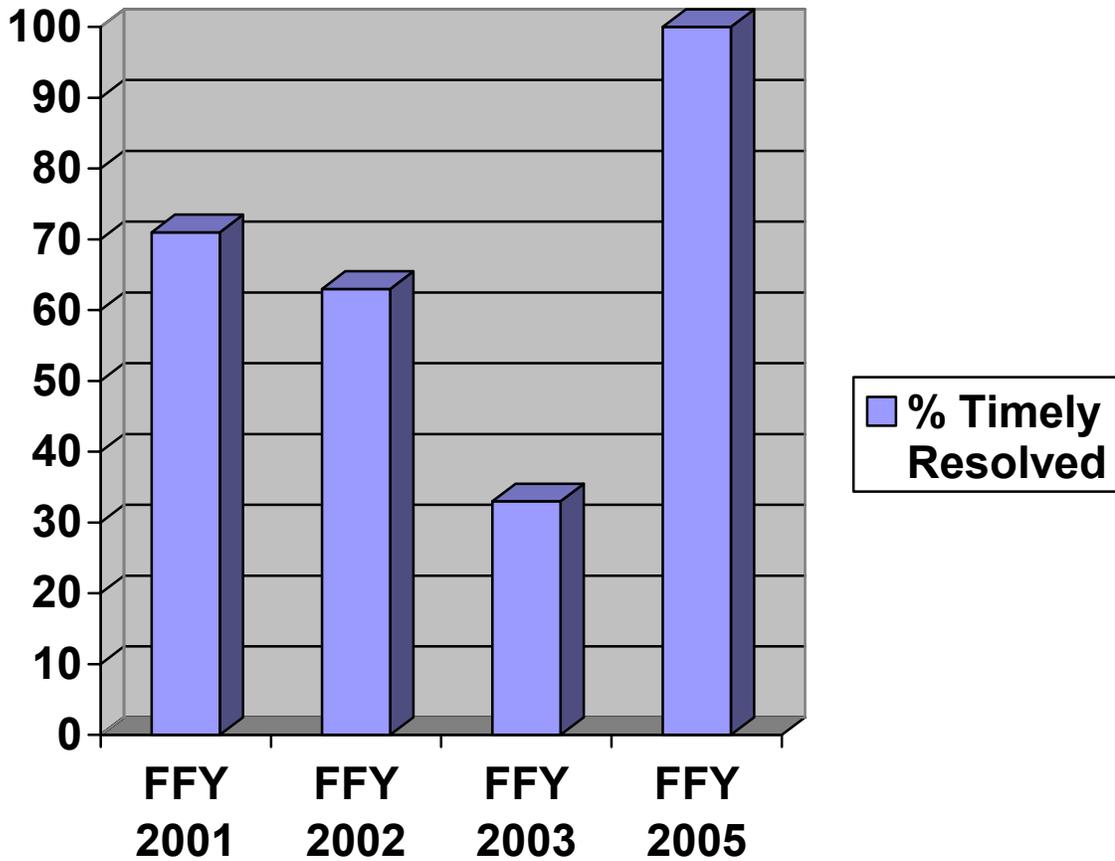
During FFY 2003, 6 hearings were fully adjudicated. 2 of the 6 were finalized with the timelines.

FFY 2004:

Year	Hearings requested	Decision reached within timelines	Percentage Within timelines
2004-2005	19	2	100%

Of the 2 hearings fully adjudicated, both were decided within timelines, which were both properly extended by the hearing officer at the request of the parties.

Percentage of Hearings Fully Adjudicated Within Timelines



Discussion of Baseline Data:

DECS' review of the FFY 2003 data on hearing timelines indicated that hearing officers were properly extending timelines on the motion of the parties and not on their own motion. However, in several cases reviewed, hearing officers granted extensions of time by which the hearings would be convened, rather than a date by which the decision would be finalized and mailed to the parties. The misunderstanding by the hearing officers of the legal requirements for extensions caused cases that were fully adjudicated to violate the IDEA timeline since the timelines were extended to the hearing date, not the date the hearing decision was rendered.

Beginning with the 2004 FFY, a second hearing officer whose hearing decisions were perpetually late did not have his KDE contract renewed.

The DECS staff attorney, upon reviewing due process hearing timelines data from FFY 2002 in the 2004 APR, discussed properly extended timelines with the majority of the hearing officers in June 2004. Hearing Officer training conducted by KDE on February 14, 2005, also addressed this issue. At the February training, the DECS staff attorney presented a session to the hearing officers on the requirements of the APR. The information included submission of data on timely hearings to OSEP and the general public pursuant to the APR, as well as KDE’s general supervisory duty under IDEA. During the training, it was reiterated that untimely hearing decisions were factored into KDE’s decision to renew hearing officer contracts.

Although only 2 hearings were fully adjudicated in FFY 2004, both hearings were decided under timelines that were properly extended by the hearing officers.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of fully adjudicated due process hearings are fully adjudicated within the 45-day timeline or within a timeline that is appropriately extended and properly documented by the hearing officer at the request of either party.
2006 (2006-2007)	100% of fully adjudicated due process hearings are fully adjudicated within the 45-day timeline or within a timeline that is appropriately extended and properly documented by the hearing officer at the request of either party.
2007 (2007-2008)	100% of fully adjudicated due process hearings are fully adjudicated within the 45-day timeline or within a timeline that is appropriately extended and properly documented by the hearing officer at the request of either party.
2008 (2008-2009)	100% of fully adjudicated due process hearings are fully adjudicated within the 45-day timeline or within a timeline that is appropriately extended and properly documented by the hearing officer at the request of either party.

FFY	Measurable and Rigorous Target
<p>2009 (2009-2010)</p>	<p>100% of fully adjudicated due process hearings are fully adjudicated within the 45-day timeline or within a timeline that is appropriately extended and properly documented by the hearing officer at the request of either party.</p>
<p>2010 (2010-2011)</p>	<p>100% of fully adjudicated due process hearings are fully adjudicated within the 45-day timeline or within a timeline that is appropriately extended and properly documented by the hearing officer at the request of either party.</p>

Improvement Activities/Timelines/Resources:

Activity	Timeline	Resources
<p>KDE will consider the timeliness of hearing decisions in contract renewals for current hearing officers.</p>	<p>Beginning December 2005 and on-going</p>	
<p>DECS will update its electronic database to track on-going timelines for due process hearings. The database will include a section to enter data on extensions of the 60-day timeline issued by hearing officers, and will automatically track whether the hearing is finalized by the set timelines.</p>	<p>Beginning January 2006 and continuing through 2011</p>	

Activity	Timeline	Resources
<p>The Director’s secretary will have access to the hearing data base and will report on the status of hearing timelines to the Director on a weekly basis</p>	<p>Beginning January 2006 and continuing through 2011</p>	
<p>The administrator of the hearing system from the Office of Legal and Legislative Services (OLLS) will provide monthly updates to DECS staff on the status of hearings, i.e., numbers of hearings, hearing issues and timelines</p>	<p>Beginning January 2006 and continuing through 2011</p>	<p>OLLS</p>
<p>The Office of Legal and Legislative Services (OLLS) in conjunction with DECS will continue annual training of hearing officers on the requirements of the APR and SPP regarding timely adjudication of hearings</p>	<p>Beginning January 2006 and continuing through 2011</p>	<p>OLLS</p>

Part B State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development: See Page 1.****Monitoring Priority: Effective General Supervision Part B / General Supervision**

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B)))

Measurement:

Percent = 3.1(a) divided by (3.1) times 100.

Overview of Issue/Description of System or Process:

The 2004 IDEA Reauthorization amended the law to require resolutions sessions to be convened at the school district level once a due process hearing is requested. As this portion of the Reauthorization did not go into effect until July 1, 2005, no resolution sessions were convened during FFY 2004 in Kentucky.

Since March 2005, DECS has been analyzing the need for a comprehensive data system that incorporates all data produced by DECS and KDE around compliance with KDE's general supervision responsibility under IDEA. The system would allow DECS to collect, analyze and utilize data in order for DECS to make decisions based on the data. The proposed changes to the data system will also make the system flexible enough to adjust to changing needs under the requirements of IDEA and NCLB.

OSEP technical assistance providers (Mid-South Regional Resource Center and NCSEAM) as well as the KDE Division Director of Project Management have met with DECS and have been involved in this process. Changes in DECS' leadership have resulted in the data system initiative becoming inactive at the present time. While a comprehensive system of data is still needed, DECS is looking at in-house resources for fulfilling its immediate data needs.

Currently a due process system database (for hearings, mediations and complaints) is being revised to capture information required by the SPP. A section of the database dealing with due process hearings will collect data on due process hearings requested, the number of resolution sessions convened and the number of agreements resulting from the resolution sessions. DECS will use the system to keep data on relevant requirements of the hearing process. Timely collection and analysis of the data will enable DECS to use the data analysis to make the hearing process compliant; to identify issues with hearing

officers before they rise to the level of non-compliance; to identify LEAs that may be in need of technical assistance; to identify IDEA issues that appear to be systemic in nature and to give technical assistance in these areas; and to identify promising practices in resolution sessions that have enabled LEAs and parents to resolve their differences instead of proceeding to a due process hearing.

Baseline Data for FFY 2004 (2004-2005):

Since this is a new indicator, baseline data is not currently available.

Discussion of Baseline Data:

Since this is a new indicator, baseline data is not currently available

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Since this is a new indicator, Targets will be set when baseline data is obtained during FFY 2005.
2006 (2006-2007)	Since this is a new indicator, Targets will be set when baseline data is obtained during FFY 2005.
2007 (2007-2008)	Since this is a new indicator, Targets will be set when baseline data is obtained during FFY 2005.
2008 (2008-2009)	Since this is a new indicator, Targets will be set when baseline data is obtained during FFY 2005.
2009 (2009-2010)	Since this is a new indicator, Targets will be set when baseline data is obtained during FFY 2005.
2010 (2010-2011)	Since this is a new indicator, Targets will be set when baseline data is obtained during FFY 2005.

Improvement Activities/Timelines/Resources:

Since this is a new indicator, Activities will be developed by the submission date of the FFY 2005 APR on February 1, 2007

Part B State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development: See Page 1.****Monitoring Priority: Effective General Supervision Part B / General Supervision****Indicator 19:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:Percent = $(2.1(a)(i) + 2.1(b)(i))$ divided by (2.1) times 100.**Overview of Issue/Description of System or Process:**

Kentucky's mediation system for resolving IDEA disputes has been in place since the early 1990's. Kentucky's mediators are selected through a Request For Proposal for Services issued by KDE. The RFP sets forth mediator qualifications and the criteria by which the candidates will be evaluated. Potential mediators submit applications to KDE. Mediators who are chosen are hired through a personal services contract with KDE.

The 2004 APR included a review of mediation data beginning in FFY 1999 through FFY 2002. The data showed a substantial decline in requests for mediation during that time period. A high of 33 mediations were requested in FFY 1999, with a decrease to 18 mediations requested in FFY 2000, and a slight increase to 19 mediation requests in FFY 2001. In FFY 2002, the number of mediations requested decreased to 12. This is consistent with Kentucky's overall decline in the use of IDEA dispute resolution procedures (hearings, complaints and mediations) since 1999-2000.

As reported in the 2004 APR, of the 12 mediations requested, 8 resulted in agreements, with 4 mediations pending at the end of the FFY for a success rate of 75%. The 2004 APR did not require specific targets or activities with regard to the area of mediation. However, as a result of the 2004 APR, DECS staff began to identify ways to increase awareness of mediation as an alternative to formal disputes. Training which DECS secured through the Atlanta Center for Reconciliation in August 2004 resulted in four DECS staff becoming certified in the process of Reconciliation Mediation (the system of mediation used in Kentucky). Information on the benefits of Reconciliation Mediation was shared

with the Director of Special Education listserv via DECS' electronic newsletter, *E 'Specially DECS*.

An outcome of the newsletter article was the collaboration between the DECS staff attorney and a Director of Special Education in jointly developing training entitled *Developing a Mediation Mentality*. The goal of the training was to emphasize the dual purpose of Reconciliation Mediation, since correctly utilized, it is a tool that fosters a positive working relationship between parents and school districts in addition to resolving IDEA disputes. The training was presented at the November 2004 CEC Conference and the February 2005 Parent/ Professional Conference. Approximately 60 teachers, parents, and administrators attended these sessions. Both of these events took place after the end of the 2003 FFY.

Data collected for the 2005 APR from FFY 2003 (July 1, 2003 to June 30, 2004) showed a decrease in mediation requests from 12 to 9, with the number resolved through agreement dropping from 75% to 66% percent. In FFY 2004, after the publication of the *E 'Specially DECS* article and the presentation, *Developing a Mediation Mentality* at the CEC and Parent/Professional conferences, the number of mediations requested rose from 9 to 13. If the numbers of mediations requested during the first quarter of the current year keep pace with the first quarter, another slight increase in the number of mediations requested will be recorded in FFY 2005.

Baseline data**Data for FFY 2003 (2003- 04):**

9 mediations were requested, with 3 related to hearings and 6 unrelated to hearings.

All 3 hearing-related mediations were resolved by agreement. 3 of the 6 non-hearings mediations were resolved by agreement, with 1 pending at the end of the FFY.

66% of the total mediations requested (6 of 9) were resolved through mediation agreements.

Data for FFY 2004 (2004-05):

13 mediations were requested.

7 reached agreements. (53.8%)

6 mediations resulted in no agreements reached. (46.2%)

Of the 13 mediations requested, 4 were related to hearing requests. 2 of the 4 were resolved by agreement.

Data for FFY 2005 (July 1 – October 31, 2005)

For the first four months of FFY 2005, 5 mediations were requested, with 2 being successfully resolved through agreement. One case was resolved prior to the formal mediation. One mediation was unsuccessful and one mediation is currently pending.

Discussion of Baseline Data:

KDE consulted the State Advisory Panel for Exceptional Children (SAPEC) regarding Measurable and Rigorous Targets and Activities for Indicator 19. The Panel also concluded the mediation process is significantly under-utilized. This conclusion comports with data from CADRE, showing that Kentucky is one of the lowest users of mediations among states within the nation.

The SAPEC's analysis of the data indicated that the low number of mediations, when combined with fluctuations in the number of agreements reached, significantly affect the percentages of disputes resolved through agreement. (See baseline data for FFY 2003 and FFY 2004)

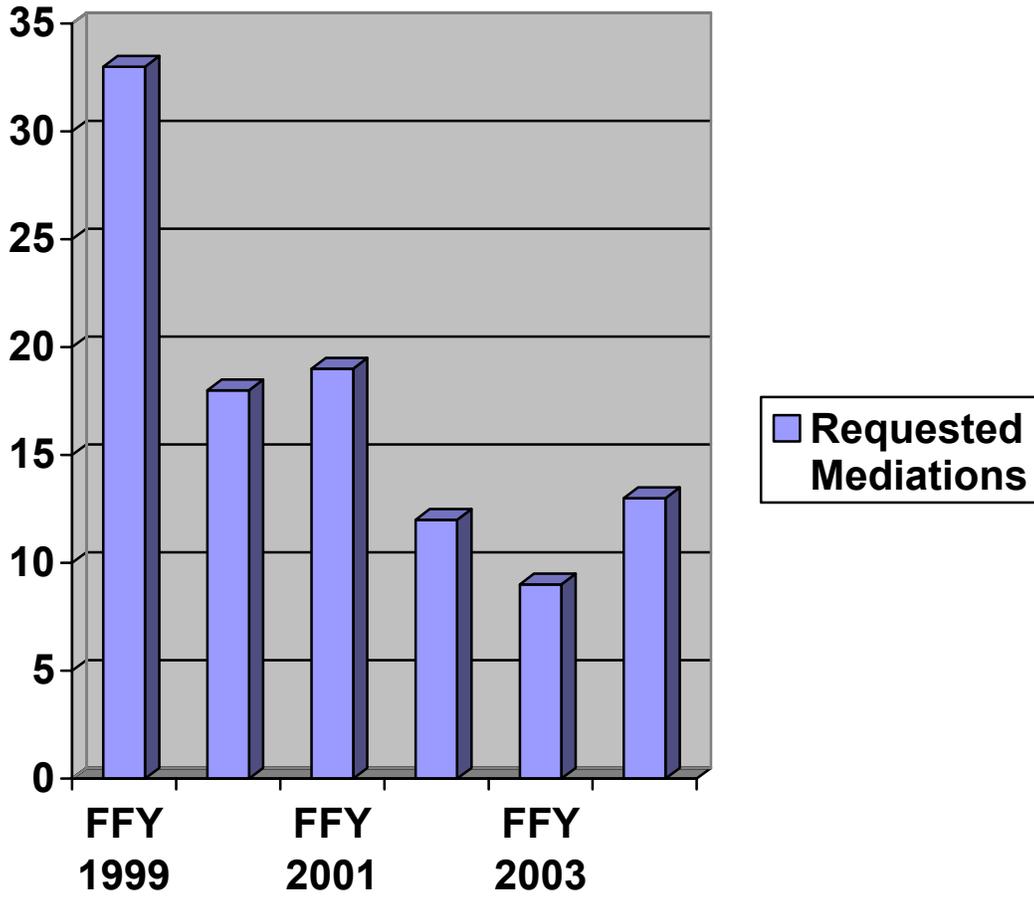
Although much of the SAPEC's concern focused on the small number of mediations in Kentucky, input from the SAPEC on Targets focused solely on the Indicator, i.e., increasing the number of mediations resolved by agreement. At the behest of the SAPEC, Activities focus both on increasing the number of mediations resolved by mediation agreements and increasing the number of mediations requested.

The final Target for 2011 was set at 85%. This percentage was chosen based on the October 26, 2005 OSEP Technical Assistance teleconference, in which the presenters noted that 85% of mediation resolved by agreement was an acceptable target. Kentucky's rate of mediation agreements has gone steadily down, from a high of 75% in FFY 2002, to 66% in FFY 2003 to the current rate of 53.8%. Due to the small numbers of mediations requested, the downward trend in the data is not felt to be a reliable indicator of future success in resolving mediations by agreement.

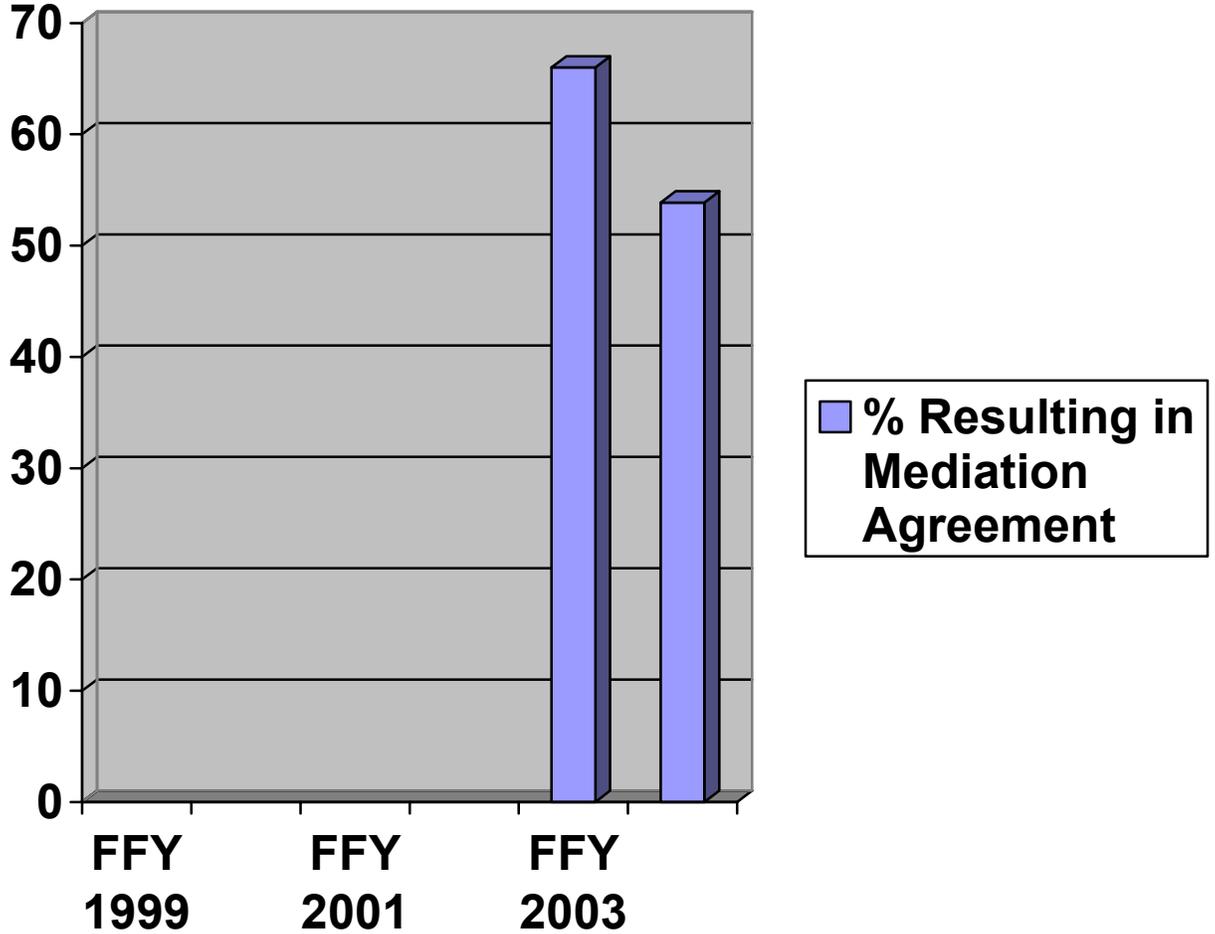
The Measurable and Rigorous Targets reflect a small increase in percentages of mediations resolved for the first two years of the SPP, with larger increases projected for the final four years of the SPP. Most Activities that concentrate on increasing the utilization rate of mediations will not affect the number of

mediations resolved by agreement. Since the Activities that focus on increasing the numbers of mediation agreements reached are complex, these activities will take longer to achieve results.

Number of Mediations Requested



Percentage of Mediations Resulting in Mediation Agreements



FFY	Measurable and Rigorous Targets
2005	57% of all mediations will result in mediation agreements
2006	61% of all mediations requested will result in mediation agreements

FFY	Measurable and Rigorous Targets
2007	68% of all mediations requested will result in mediation agreements
2008	75% of all mediations requested will result in mediation agreements
2009	81% of all mediations requested will result in mediation agreements
2010	85% of mediations requested will result in mediations agreement

Improvement Activities	Timelines	Resources
<p><u>Activities to Increase Percentage of Mediations Resolved</u></p> <p>DECS will develop and distribute guidance to parents and districts regarding the pros and cons of mediation and other dispute resolution processes, to ensure that parties' expectations of mediation meet the capabilities of the process</p>	<p>July 2006- June 2011</p>	
<p>DECS will evaluate the strengths and weaknesses of the current mediation system and act on the findings. This will include obtaining materials on research-based mediation systems or other successful mediation processes</p>	<p>March 2006- June 2008</p>	<p>Mid-South Regional Resource Center</p>

Improvement Activities	Timelines	<i>Resources</i>
DECS, in conjunction with the Office of Legal and Legislative Services (OLLS) will develop a post-mediation survey to assess participants' satisfaction with the process and the mediator. Follow-up survey will assess implementation of mediation agreements	May 2006 and on-going	Mid-South Regional Resource Center for ideas from other states, CADRE OLLS
DECS will utilize the data obtained in the mediation survey to evaluate the effectiveness of the KDE mediation system and individual mediators	May 2007	
Improvement Activities	Timelines	Resources
<p><u>To increase the number of mediations requested</u></p> <p>DECS will convene a group of diverse stakeholders including advocacy groups, parent groups, IHEs and local school districts to gather, develop and publicize mediation resources</p>	Beginning March 2006	United Parents In Kentucky, Special Education Co-ops, DOSE advisory group, Parent Resource Centers (PRCs), IHE Consortium, KY-SPIN, Family Resource and Youth Service Centers (FRYSCs), Open Arms and other grandparent /relative groups

Improvement Activities	Timelines	Resources
DECS and stakeholders will develop trainings on mediation for state and local presentations, utilizing successful participants as presenters.	March 2006 to December 2006	Special Education Cooperatives, KY-SPIN, United Parents In Kentucky, Parent Resource Centers (PRCs), Family Resource and Youth Service Centers (FRYSCs), Open Arms and other grandparent /relative groups
DECS and stakeholders will develop media plan, including TV, radio, newspaper, and public service announcements to publicize mediation trainings	October 2006	KDE media resources DECS Stakeholders
DECS / stakeholders will present mediation trainings to a minimum of 4 forums around the state	Annually, beginning December 2006	DECS stakeholders
KDE will distribute paper copies or web site address of <i>Special Education Mediation, A Guide for Parents</i> to parent groups	September 2006	Alliance /CADRE materials
DECS will distribute video on mediation process to Parent Resource Centers, co-ops, and statewide parent groups or publicize web site address with information regarding web access to the materials	September 2006	Mediation Video from PACER/CADRE
DECS will a develop mediation packet for distribution to parents/guardians at transition points (Part C to B, preschool to Kindergarten, middle to high school	May 2007 - June 2011	First Steps, Head Start, PRCs, FRYSCs, Inter-agency Transition Project, KTEP

Improvement Activities	Timelines	Resources
Individual Graduation Plan meetings)		
DECS staff will present on the topic of mediation with current or former mediators at the 2006 Parent/ Professional Conference, 2006 Regional Training Center Conference, the 2007 Head Start conference and the 2007 CEC Conference.	September 2006, February 2007 June 2007 November 2007	Kentucky IDEA mediators

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Page 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring accuracy).

Overview of Issue/Description of System or Process:

Section 618 Data

DECS has always placed importance on the collection, accuracy, and timeliness of the data required under Section 618 of the IDEA. Traditionally, Kentucky has submitted its reports in a timely fashion by their respective due dates. However, due to a major initiative and investment in Kentucky to capture student level data at the state, circumstances have caused the Child Count and LRE FAPE or Placement data to be late.

Kentucky mandated a statewide tracking system for all students for attendance purposes in the mid-1990s. The program was originally offered by several vendors but over time, this tracking system became a single vendor product that all districts and schools in Kentucky are required to use. Beginning with the FFY 2002, the Kentucky Board of Education (KBE) mandated that all school districts begin using a special education tracking system offered by the vendor who provides the attendance-tracking program. This module is known as SETS (special education tracking system). The system is intended to provide Section 618 data as well as data required for the Annual Performance Report (APR), Kentucky's Continuous Monitoring Process (KCMP), demographics and other areas. Thus, it is imperative that the data is accurate. The program is also designed as a case management software that allows the user to develop IEPs, track evaluation data and timelines, document due process and facilitate better services to students with disabilities.

To ensure this program captures not just the Section 618 data but other information such as due process and procedural safeguard data, IEP forms, and other types of special education student information, DECS established an advisory group to work with the vendor in the development and evolution of the program.

The advisory group meets several times throughout the year soliciting comments from the field for discussion and comment. The group is comprised of LEA staff including special education teachers, Directors of Special Education and information systems professionals. In addition, a representative of the special education cooperatives is included as well as staff from DECS and the software vendor. This group makes recommendations for change to the system that are reviewed by DECS and KDE leadership and are then submitted to the vendor for modification to the product annually.

In addition to making modification requests, the advisory group also works with staff from the vendor to determine training needs and objectives. The vendor provides training agendas and plans with the group for review and approval prior to actual training of the system. Once approved, the vendor works with the KDE to establish two series of trainings for the various student information system products including SETS and the attendance package. There are regional trainings before the beginning of each school year at ten locations. Each training

event consists of two days of training available at each site. (Note: the two days of training is one day of material presented two days in a row). In addition, before the end of school, two days of training are available throughout the state. The two trainings, while similar, have different content based on the time of the training and the typical information needed by the user at that point.

The system is designed to ensure information reported is accurate. Internal checks are established to exclude the reporting of students who have not completed the evaluation process and for whom an eligibility determination has not been made. To verify the accuracy of the information, field staff in the Division of School Finance that conduct attendance audits of school districts also confirm that children who are reported as receiving special education have an IEP in place. It also will exclude students who have not started receiving services even if their eligibility has been determined. Students who have outdated evaluation information and out-of-date IEPs are also excluded. In order to check the system, KDE field staff who conduct attendance audits of districts across the state confirm special education students have a current IEP in their student folders.

In addition to the two trainings listed above, the vendor offers a toll-free support number Monday through Friday during normal business hours. Training sessions at several conferences across the state are also presented, and web based trainings for the December 1 child count are provided. This year, six WebEx trainings provided step-by-step instructions to LEA staff on extracting child count and other data in the system.

With all the opportunities for training and the support lines of communication, LEAs and their staff have multiple avenues for training and assistance in using the SIS. There is also a listserv established for users of the special education software program. The listserv allows users to ask questions among themselves and find practical solutions from others in the field. This is a user-based and operated listserv. Staff from KDE and the SIS vendor audit the listserv.

Annual Performance Report

The Annual Performance Report (APR) has been submitted to OSEP in a timely manner. For the first two years in which the APR was required (2004 and 2005), work on the APR began in the summer preceding the March in which the APR was due and continued through the end of March. During the development of the 2004 APR, at least 8 DECS consultants and supervisors and the complaint investigative attorney with OLLS were involved in writing sections of the APR, obtaining relevant data for the report, or both. The DECS staff attorney was involved full-time with the organization, writing and timely submission of the APR. DECS staff also attended all OSEP and TA&D-sponsored events over the past two years in which technical assistance on the APR was provided and participated in the OSEP teleconferences offering technical assistance.

During the summer of 2004, all DECS staff were required by the DECS director to participate in either the 2005 APR work group or another important DECS initiative. 14 DECS consultants and supervisors were involved in the development of the 2005 APR. The DECS attorney continued her APR assignment. DECS also received assistance from three DECS support staff, the KDE Early Childhood Division Director and an early childhood transition consultant with IIHDI at the University of Kentucky.

For both the 2004 and 2005 APR, DECS received invaluable technical assistance from its Mid-South Regional Resource Center state liaison. DECS believed the work with the APR was vital to its meeting the needs of students with disabilities, making the APR one of its priorities for Mid-South's work with Kentucky.

DECS also consulted with the State Advisory Panel for Exceptional Children (SAPEC) for its input on the APR. Due to time constraints in 2004, SAPEC involvement in the APR was after the fact, rather than prior to submission to OSEP. DECS staff made APR presentations to the SAPEC beginning in Spring 2004 and again at the Fall 2004 meeting. In 2004, as an acknowledgement of the importance of the APR, the SAPEC realigned its committee structure around the APR cluster areas [General Supervision, Transition (Secondary and Early Childhood), Parent Involvement and FAPE in the LRE] so that the SAPEC's work would parallel the work of DECS.

At the SAPEC meeting in Fall 2004, DECS staff who had worked on the 2005 APR met with each individual "cluster" committee to review the APR information and to gather recommendations for the APR from the SAPEC. At the February 2005 SAPEC meeting, DECS staff met with the individual SAPEC committees to review and revise the 2005 APR prior to its submission to OSEP. DECS has made an on-going commitment to sending DECS staff to SAPEC meetings, for the purpose of providing SPP/APR information to each committee and gathering stakeholder input.

A massive amount of staff time has been dedicated to the timely submission of a well-thought out, complete APR during 2004 and 2005. Each year, the task has grown easier as DECS staff better understands the APR process and objectives, the data required to complete the report and the amount of time required to submit a comprehensive APR.

While the amount of time spent in preparing the APR is significant, the time spent on the task is proportionate to the importance placed upon it by DECS as a document that guides the work of DECS.

Baseline Data for FFY 2004 (2004-2005):

The child count, race and ethnicity, and placement data tables for FFY 2004 were submitted electronically to Westat using its electronic data transmission system on February 28, 2005.

The exiting, discipline and personnel data tables for the 2004-2005 school year were submitted electronically to Westat on October 26, 2005.

The 2004 APR was submitted to OSEP electronically on March 30, 2004.

Discussion of Baseline Data:

Historically, Kentucky has been timely in its submission of 618 State Reported Data. However over the past two years, data for the child count, race/ethnicity and placement have been submitted several weeks late. This has been due to problems associated with the state's Student Information System (SIS). As the SIS is a relatively new system, issues have arisen from time to time regarding generating appropriate child count numbers. The issues are due primarily to a result of checks in the system. These checks are designed to preclude counting or reporting children who are not eligible because they may not have a current IEP or because reevaluations are past due or incomplete. Thus the delays have resulted from KDE's oversight of the LEA-generated data. Prior to the submission date of the 618 data, KDE has contacted Westat, the OSEP-funded technical assistance provider in the area of data, to advise it that the report would be late.

The data for exiting, discipline and personnel have been timely submitted each year via the use of the electronic data reporting through Westat.

Annual Performance Report

The 2004 APR was the initial year for the submission of an annual report from SEAs to OSEP on the performance of students with disabilities. Prior to 2004, the SEA reports were due every two years and were called the Biennial Performance Report (BPR). Not only was the timing of the Report changed but the APR itself was a much more comprehensive document than the BPR. Because the items being measured in the APR were different and more comprehensive than the BPR, DECS staff's experience with the BPR did not translate to writing the new APR. Many data requirements in the APR indicators were new. Terms and definitions were different than anything required by OSEP in the past, which caused uncertainty for staff in the beginning of the process.

Because DECS began work on the APR in August 2003, it had eight months to complete the report. However, the eight-month period was the same period as two major OSEP requirements for DECS: the OSEP Verification Visit in November 2003 and the DECS initial update to OSEP on the KDE's

Improvement Plan in January 2004. Fortunately, much of the information required for the APR could be extrapolated from the work done for the Verification Visit and the update to the Improvement Plan. The 2004 APR was submitted to OSEP one day before the deadline of March 31, 2004, due to the work of nine DECS staff spending hundreds of hours in deliberation, study, training, data collection, meetings and writing the document.

In realizing the work involved in preparing the APR and the ultimate importance of the report, the DECS director made the 2005 APR a priority of the division. 18 DECS staff, including supervisors, consultants, an attorney and support staff developed the 2005 APR

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2006 (2006-2007)	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2007 (2007-2008)	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2008 (2008-2009)	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2009 (2009-2010)	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.
2010 (2010-2011)	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Improvement Activities/Timelines/Resources:

Activities	Timelines	Resources
The DECS State Performance Plan/APR work group will have monthly SPP/APR meetings to review the Targets and Activities required by the 2005 SPP.	Beginning January 2006	
Monthly SPP updates will be a standing item at DECS monthly staff meetings.	Beginning January 2006 and on-going	
Key DECS staff will attend OSEP trainings on data management issues and the APR.	Summer 2006 and on-going	
DECS will continue to obtain the SAPEC's input on future APRs submitted to OSEP.	2006 and on-going	SAPEC
DECS staff will continue their participation in the KDE advisory group on SIS.	December 2005 and on-going	
DECS will provide LEAs with on-going SIS technical assistance through the DoSE listserv, trainings and telephone support.	December 2005 and on-going	

Attachment 1

**Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act
Complaints, Mediations, Resolution Sessions, and Due Process Hearings**

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	41
(1.1) Complaints with reports issued	32
(a) Reports with findings	18
(b) Reports within timelines	20
(c) Reports within extended timelines	12
(1.2) Complaints withdrawn or dismissed	8
(1.3) Complaints pending	1 (initial complaint withdrawn/settled, but parent/attorney converted issues to district-wide class complaint, which is pending)
(a) Complaint pending a due process hearing	0

SECTION B: Mediation requests	
(2) Mediation requests total	13
(2.1) Mediations	
(a) Mediations related to due process	4
(i) Mediation agreements	2
(b) Mediations not related to due process	9
(i) Mediation agreements	7
(2.2) Mediations not held (including pending)	0

SECTION C: Hearing requests	
(3) Hearing requests total	19
(3.1) Resolution sessions	0
(a) Settlement agreements	0
(3.2) Hearings (fully adjudicated)	2
(a) Decisions within timeline	0
(b) Decisions within extended timeline	2
(3.3) Resolved without a hearing	14

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	0
(4.1) Resolution sessions	
(a) Settlement agreements	
(4.2) Expedited hearings (fully adjudicated)	
(a) Change of placement ordered	